DOCUMENT RESUME

ED 405 522 CG 027 443

| | |
|---|---|
| TITLE | Juvenile Justice and Delinquency Prevention Act of 1996. Senate, 104th Congress, 2d session. Report Together with Additional Views To Accompany S. 1952. |
| INSTITUTION | Congress of the U.S., Washington, D.C. Senate Committee on the Judiciary. |
| REPORT NO | Senate-R-104-369 |
| PUB DATE | 16 Sep 96 |
| NOTE | 112p. |
| PUB TYPE | Legal/Legislative/Regulatory Materials (090) |
| EDRS PRICE | MF01/PC05 Plus Postage. |
| DESCRIPTORS | *Delinquency Prevention; Elementary Secondary Education; *Federal Legislation; *Policy Formation; Public Policy; *Violence |
| IDENTIFIERS | Congress 104th; *Juvenile Justic Delinquency Prevention Act 1974; Proposed Legislation |

ABSTRACT

Existing U.S. Federal law has not been sufficiently effective in preventing youth violence or in ensuring the punishment of juvenile offenders. Young people are the most violent segment of American society, and there is little reason to believe that a continuation of present Federal policy is likely to reduce youth crime. Bill S. 1952 seeks to make significant changes in the Juvenile Justice and Delinquency Prevention Act. The legislation: (1) makes changes designed to ensure that the Federal Government's policy toward youth violence is focused on those activities that the Federal Government can perform best, that are appropriately Federal, and that would be unlikely to be undertaken by state or local levels of government; (2) eliminates many bureaucratic and procedural requirements of current law; (3) reauthorizes the Runaway and Homeless Youth Act and Missing Children's Assistance Act; and (4) repeals authorizations for programs for which there is little or no evidence of success in preventing youth violence and reallocates those funds. The contents of this legislative report, submitted by Mr. Hatch from the Committee on the Judiciary, are: (1) Purpose; (2) Legislative history; (3) Discussion; (4) Vote of the Committee; (5) Section-by-section analysis; (6) Cost estimate; (7) Regulatory impact statement; (8) Additional views of Messrs. Kennedy and Feingold; (9) Additional views of Mr. Kohl; and (10) Changes in existing law. (JBJ)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

CG

Calendar No. 557

104TH CONGRESS
2d Session

SENATE

REPORT
104–369

ED 405 522

# JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1996

SEPTEMBER 16, 1996.—Ordered to be printed

Mr. HATCH, from the Committee on the Judiciary, submitted the following

## REPORT

together with

## ADDITIONAL VIEWS

[To accompany S. 1952]

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it

☐ Minor changes have been made to improve reproduction quality

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy

The Committee on the Judiciary, to which was referred the bill (S. 1952) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, having considered the same, reports favorably thereon, and recommends that the bill do pass.

CONTENTS

| | Page |
|---|---|
| I. Purpose | 1 |
| II. Legislative History | 2 |
| III. Discussion | 4 |
| IV. Vote of the Committee | 22 |
| V. Section-by-section analysis | 22 |
| VI. Cost estimate | 31 |
| VII. Regulatory impact statement | 33 |
| VIII. Additional views of Messrs. Kennedy and Feingold | 34 |
| IX. Addition views of Mr. Kohl | 36 |
| X. Changes in existing law | 39 |

## I. PURPOSE

Existing Federal law has not been sufficiently effective in preventing youth violence or in ensuring the punishment of juvenile offenders. The costs of these failures in human and monetary terms on American society is enormous. Today, young people are the most

29–010

CG 0827443

violent segment of society, and there is little reason to believe that a continuation of present Federal policy is likely to reduce youth crime.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has been successful in implementing the mandates that have safeguarded the rights of young people in the criminal justice system. Nonetheless, it continues to focus on those mandates while ineffective prevention programs and inadequate punishments fail to stop a dramatic increase in youth crime, and violent youth crime in particular.

S. 1952 seeks to make the most significant changes in the Juvenile Justice and Delinquency Prevention Act (JJDPA) since its original enactment in 1974. The legislation renames OJJDP as the Office of Youth Violence Reduction and limits its authority to awarding grants and ensuring compliance with statutory requirements. The stature of the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP) is enhanced, as are its responsibilities and budgetary authority. These changes are designed to ensure that the Federal Government's policy toward youth violence is focused on those activities that the Federal Government can perform best, that are appropriately Federal, and that, while exceedingly important, would be unlikely to be undertaken by State or local levels of government. Specifically, because OJJDP has not adequately performed its functions of, nor been adequately funded to undertake, research, evaluation, and dissemination of information concerning successful youth crime prevention programs, the bill emphasizes these roles for NIJJDP.

Second, S. 1952 eliminates many bureaucratic and procedural requirements of current law that in the Committee's view serve no purpose, makes more flexible each of the remaining mandates, and expands the purposes of the current law's formula grants to recognize that prevention and intervention can be enhanced if graduated punishments are made a mainstay of the juvenile justice system. Third, the legislation reauthorizes the Runaway and Homeless Youth Act and Missing Children's Assistance Act. And fourth, the legislation repeals authorizations for programs for which there is little or no evidence of success in preventing youth violence and reallocates those funds to research, evaluation, technical assistance, training, and dissemination of information concerning scientifically evaluated crime prevention programs.

## II. Legislative History

Congress enacted the Juvenile Justice and Delinquency Prevention Act in 1974 in response to conditions then prevalent in the juvenile justice system in the States. Spurred by reports of dangerous conditions in which juveniles accused or convicted of crimes, or even offenses that would not be crimes if committed by an adult, were housed, Congress passed legislation to provide States assistance with juvenile justice. As a condition of receipt of these funds, States were required to comply with two original mandates, later expanded to four, that protected the rights of accused and adjudicated juveniles. The legislation also established OJJDP and directed it to dispense formula grants to States and monitor their compliance with the mandates. In addition, the legislation estab-

lished within OJJDP a research, demonstration, evaluation, and information dissemination component. Congress has reauthorized the legislation in 1980, 1984, 1988, and 1992. In each reauthorization, new mandates have been added, and new Federal discretionary grant programs have been created, but the basic approach of the statute has remained largely unchanged.

Unfortunately, while current legislation achieved the goals of protecting youth, it has not been able to address the changed nature of the problem that exists today. Despite the effort to establish a Federal entity to conduct research on the subject, and in part due to a shortage of resources, little more is known about addressing youth violence today than was the case in 1974. In the meantime, even as the nature, scope, and severity of youth crime changed dramatically in the 1980's and 1990's, OJJDP focused excessively on mandates that relate to neither crime prevention nor punishment, and that, while important, have long ago been achieved.

For these reasons, the Subcommittee on Youth Violence conducted a series of hearings to reexamine the legislation with the recognition that substantial changes were required. It was the Subcommittee's intention to hold hearings, and then introduce a bill that reflected the testimony of the witnesses who appeared.

The Subcommittee held a field hearing in Memphis, TN, on February 15, 1996, on developing local solutions to youth violence. Witnesses included Johnny Rawls, a graduate of the Youth Habilitation Center; a youth offender; Francetta Harris, the owner of a Memphis hair salon; Charlesetta Temple of the Douglass Elementary School Alumni; Erika Davis, a high school student and founder of Students Against Violence Everywhere; the Honorable Jim Rout, mayor, Shelby County; the Honorable W.W. Herenton, mayor of Memphis; William Todd, president, Memphis Board of Education; the Honorable Kenneth Turner, juvenile judge; James Ball, administrator, Shelby County Training Center; the Honorable Victoria Coleman, U.S. attorney for the Western District of Tennessee; the Honorable John Pierotti, district attorney general; Dr. Robert Wood of the Agency for Youth and Family Development; Barbara Holden, executive director, Memphis and Shelby County Community Health Agency; Dan Michael, administrator, Court Appointed Special Advocates; Billy Crouch of Tennessee Home Ties; and Chaplain Carl Nelson of the Mark Luttrell Recreation Center.

On February 16, 1996, the Subcommittee held a field hearing in Nashville, TN, on developing State solutions to youth violence. The witnesses were the Honorable Don Sundquist, Governor of Tennessee; George Hattaway, the Commissioner of Youth Development; the Honorable Douglas Henry, Tennessee Senate; the Honorable Page Walley, Tennessee House of Representatives; the Honorable Beth Harwell, Tennessee House of Representatives; the Honorable Frank Buck, Tennessee House of Representatives; Charles Ballard, president, Institute for Responsible Fatherhood; Linda O'Neal, executive director, Tennessee Commission on Children and Youth; Charles Leach, Buddies of Nashville; George Phyfer, director of Juvenile Services, Corrections Corporation of America; Randy Dillon, coordinator, Child and Family Services; the Honorable Paul Wohlford, juvenile judge; the Honorable Randy Camp, juvenile judge; the Honorable Dan Speer, mayor, Pulaski, TN; the Honor-

able Bernie Swiney, mayor, Loudon, TN; and the Honorable C. Van Deacon, juvenile judge.

The Subcommittee held a hearing in Washington, DC, on February 28, 1996, on the changing nature of youth violence. The Subcommittee heard as witnesses Dr. James Alan Fox, dean, College of Criminal Justice, Northeastern University; Dr. Alfred Blumstein, professor, Carnegie-Mellon University; Dr. John J. DiIulio, Jr., director, Brookings Institution's Center for Public Management; Rev. Eugene F. Rivers III, a Boston pastor and a fellow at Harvard Divinity School; the Honorable Carol Kelly, juvenile judge; the Honorable C. Van Deacon, juvenile judge; Col. (retired) Thomas Gordon, New Castle County Police Chief; and Rev. Stephen Hare, Faith City Baptist Church.

On March 12, 1996, the Subcommittee held a hearing in Washington, DC on whether Federal strings on youth violence grants should be cut. Appearing as witnesses before the Subcommittee were Steve Carson, police chief, La Follette, TN; Byron Oedekoven, sheriff, Gillette, WY; Ray Luick, Wisconsin Office of Justice Assistance; William Woodward, director, Colorado Criminal Justice Department; Camille Anthony, executive director, Utah Commission on Crime and Juvenile Justice; Jerry Regier, director, Oklahoma Department of Juvenile Justice; Patricia West, director, Virginia Department of Youth and Family Services; and Robert Schwartz, chairman, American Bar Association Juvenile Justice Committee.

The Subcommittee held a hearing on May 8, 1996, in Washington, DC, on oversight of Federal juvenile justice programs. Testimony was received from Shay Bilchik, Administrator, OJJDP; Dr. Laurie Ekstrand, Associate Director, Administration of Justice Issues, U.S. General Accounting Office; Dr. Ira Schwartz, dean, School of Social Work, University of Pennsylvania; Lavonda Taylor of the Coalition of Juvenile Justice; Dr. Marvin Wolfgang, professor, University of Pennsylvania; Dr. Delbert Elliott, professor, University of Colorado; and Dr. Terrence Thornberry, professor, State University of New York at Albany.

The Subcommittee also held a field hearing in Albuquerque, NM, on July 2, 1996. Sixteen witnesses testified, including State and local government officials, nonprofit agency personnel, judges, police officers, and juvenile crime victims.

Senator Thompson, joined by Senator Biden, introduced S. 1952, on July 12, 1996.

## DISCUSSION

### A. CHANGES IN YOUTH CRIME

The Juvenile Justice Act was enacted at a time when juveniles tended to commit fewer, less violent, and less geographically dispersed crimes than today. The growing fear of crime in this country over the last 10 years tracks precisely the shocking escalation in the number of violent crimes committed by juveniles. Since 1985, the murder rate for adults older than 25 has decreased by 25 percent. Over the same period, homicides by persons 18–24 have risen 61 percent. And among those 14–17, despite recent figures showing a 1-year reduction, the corresponding increase is 172 percent.

Today, youths commit 300 percent more gun homicides than 10 years ago.

Until the mid-1980's, the murder rate of juveniles was the same as for adults over 25, and less than half the rate of persons 18–24. Today, it is four times higher than that of adults, and two-thirds the rate of young adults. These increases reflect increased violence by all segments of youth. African-American youth homicide rates have risen 120 percent over the last decade, but white youth homicide rates have also increased by 80 percent. The sad fact today is that arrest rates for violent crimes are higher for teenagers than for adults. As Professor Fox testified, "Conventional wisdom in criminology—that young adults generally represent the most violent-prone group—apparently needs to be modified in light of these disturbing changes." Violent juvenile arrests soared 46 percent from 1989 to 1994, and there are today 150 percent more youth offenders than there were in 1984. While 1995 figures show a decline in youth crime rates, the Subcommittee learned that Memphis, for instance, also reported a 1-year drop after a decade of increase in youth violence, but the rate resumed its upward trend this year. The problem is pervasive and is likely to deteriorate further.

As Professor Fox testified, "It is doubtful that today's improving crime picture will last for very long. This is the calm before the crime storm." He noted that today's violent youth are being succeeded by 39 million children in this country under age 10, a larger number than at any time since the baby boomers were in grade school. By 2005, there will be a 14-percent increase in teenagers, including a 17 percent increase in black teens and a 30-percent rise in the number of Hispanic teens. The current increase in youth violence has occurred even as there was a drop in the number of teenagers, but the teen population will rise for the next decade, Professor Fox points out. As Senator Biden's December 1995 report, "Facing the Future," documented, the Nation faces a significant increase in youth violence over this period simply due to demographics even if crime rates among young people stabilized. But given the increase in the number of at-risk youth over that time and the deterioration in societal institutions and norms, Professor Fox believes "our nation faces a future bloodbath of juvenile violence that will make 1996 look like the good old days."

Both the nature of the problem and the conditions that have produced the increase in its severity and prevalence have changed remarkably since 1974. Commissioner Hattaway described how today's young people are committing murder, rape, aggravated robbery, assault, weapons charges, and drug trafficking. Senator Henry cited studies showing that 10 percent of boys in high-risk neighborhoods had committed at least one street crime by age 7. The studies conclude that the earlier a person starts committing crimes, the more serious the crimes that are ultimately committed. Numerous witnesses testified that today's young offenders frequently show no remorse at all for very serious crimes. Professor DiIulio testified that young offenders are so violent that adult prisoners are afraid of many of them. His interviews with adult prisoners attribute the existence of youth predators to "the absence of

people, families, adults, teachers, preachers, coaches who would care enough about young males to nurture and discipline them."

Judge Carol Kelly of Chicago spent 15 years as a prosecutor before becoming a juvenile court judge, "and I was never so frightened as I have been over the past two years in juvenile court." She described the heartbreaking cases on her docket:

> A ten year old boy who had acid poured on his head by another juvenile and is now hideously disfigured; a four year old girl who was stabbed 15 times by a 15 year old girl and who has scars all over her body; the 13 year old who was shot 11 times and may never walk again; the children who are sexually assaulted and abused by other children.

She also testified that there were numerous cases of children 7, 8, or 9 years of age who appeared before her court on gun possession charges. Although it was an extremely uncommon occurrence for her in adult court, Judge Kelly testified that there were a dozen juvenile cases against offenders that were dismissed because the accused was killed before trial.

Judge Kelly sentenced to prison the youngest person in America serving such a sentence. A 10- and an 11-year-old dropped a 5-year-old out a 14-story window because he would not steal candy for them. The 5-year-old's brother ran down 14 flights of stairs in a vain attempt to try to catch his brother. Judge Kelly told the Subcommittee that "many young violent offenders do not see anything *wrong* with their violent acts." Col. Gordon testified to the growing violent nature of youth crime that occurs at ever earlier ages. In Delaware, a high school student recently brought a live grenade to school. A police officer was permanently disabled when a juvenile who had stolen a car refused to surrender and intentionally drove the car at the officer. The youth pinned the officer under the front wheels and nearly killed him. This juvenile showed no remorse.

Professor Fox and Professor Blumstein testified that the increased possession of guns by young people is particularly troubling. A 14-year-old is more willing to use a firearm over a trivial matter than is an adult because he does not fully appreciate the consequences and is less likely to exercise restraint.

Judge Turner and Judge Kelly testified that most crimes by youth today are related to the drug trade, as are a large number of child neglect and nonsupport cases. Professor DiIulio also attributes the increase in youth violence to drug abuse and child abuse. Drugs not only are involved in specific violent incidents, such as the drug-addicted 10-year-old in Judge Kelly's case, but they are a key factor in producing a generation of youth that is far more violent than its predecessors. Drug-addicted parents regularly abuse and neglect children, and crack babies that suffer physical addiction to drugs from in utero exposure often are unable to control their behavior. Judge Kelly attributes much of the increase in youth violence to the abuse and neglect that these and other at-risk individuals faced. Today, some young persons have grandparents who are addicted to drugs.

Witnesses before the Subcommittee tied the increase in youth violence to the decline of the family, neighborhoods, poor schools and

a failed juvenile justice system, all of which are occurring as the influence grows of drugs, guns, and gangs. A Tennessee juvenile judge indicated that parents frequently fail to teach children respect for people or property. Instead, parents of troubled youth do what they want and leave their children to develop from their street environment. Mayor Speer described how parents and children have lost a sense of responsibility and respect for others. Judge Deacon and Rev. Rivers attributed that loss of responsibility to a government that has usurped the functions of communities, churches, and families, so that no one has to be responsible. Parental rejection and noninvolvement abounds. Judge Camp has ordered parents and children in the juvenile justice system to tell each other that they love each other. Many youths have told him that their mother had never told them that before.

Indeed, compared with 1974, children have far less contact with caring adults. Today, fewer children are being raised in traditional, two-parent families. Professor Fox told the Subcommittee that "as many as 57 percent of children in America do not have full-time parental supervision, either living with a single parent who works full-time or in a two-parent household with both parents working full-time." The decline of the two-parent family has meant that children have more contact with adults who are potential abusers. Judge Deacon testified that the most dangerous person to a child is the mother's boyfriend. Young people today are frequently unsupervised after school, and Professor Fox provided the Subcommittee with figures that the after-school hours are the prime time period for youth violence.

Even families that are nominally together may have little impact on keeping children away from crime. The younger offender in the case before Judge Kelly came from a two-parent family where both parents were substance abusers.

Professor Blumstein attributed the growth in youth violence to crack cocaine, which led to an increase in adult incarcerations. With fewer adults available to enter into the drug trade, more youth were recruited. By carrying drugs or drug money, youths needed protection and obviously could not call on the police for that protection. He traced the increase in youths carrying guns to this phenomenon, and the need for other youths to carry guns for protection.

Unlike 1974, youth violence occurs everywhere. Rural areas also face violent youth, Col. Gordon pointed out. Judge Deacon related that smaller communities have youth crime that has changed from shoplifting, joyriding, status offenses, and misdemeanors to rape, armed robbery, and gang activity. Rural communities, he said, "are no longer dealing with isolated, random acts of violence, but increasingly with hardened, violent young offenders. * * *" Chief Carson mentioned that sixth, seventh, and eighth graders in a small rural city have threatened assault on a teacher.

### B. PREVENTION

Not only do the experts agree on the factors that are producing youth violence, they have similar ideas concerning the approaches that should be taken to address the problem. While Professor DiIulio and others recognized that the nature of today's youth

crime problem will mean the incarceration of more youths, he and all other witnesses concluded that youth violence will not be eradicated simply by incarcerating more juveniles. U.S. Attorney Coleman believes that it is simply not possible to lock up all offenders forever. Others, such as Judge Kelly, stress the enormous cost of juvenile incarceration, as well as the huge number of youth offenders, as reasons why America cannot simply build its way out of the youth violence problem. Professor Fox pointed out that increasing penalties alone will not solve the problem because the threat of punishment cannot deter youth that face violence every day, many of whom do not expect to live to adulthood.

Judge Wohlford testified that automatically waiving violent juveniles into adult courts has not been proved successful. Professor Fox remarked about the unfortunate fact that "we are obsessed with quick and easy solutions that will not work, such as the wholesale transfer of juveniles to the jurisdiction of the adult court, curfew laws, boot camps, three strikes, even caning and capital punishment, at the expense of long-term and difficult solutions that will work. * * *" Professor Blumstein stressed that the bravado and peer pressure among the very young overwhelms the rational thought process necessary for harsh punishment to deter. Judge Kelly believes that locking up more and more juveniles without effective treatment will only produce "bigger, more violent criminals," and that we should not treat youths the same as adults. The Committee agrees with Professor Blumstein that the demonstrably violent must be locked up. The Committee also agrees with Professor DiIulio that "incarceration is not the answer. I also believe, however, that, like it or not, we will be incarcerating more juvenile offenders over the next 5 or 10 years. I believe that it is important for Federal policy to at least help with, or at least get out of the way of State and local efforts to incarcerate violent and repeat juvenile criminals, no ifs, ands or buts." However, the Committee accepts the judgement of Utah Commission Executive Director Camille Anthony that "[t]here should not be a widening of the net by the federal government mandating to states which offenses should be waived, nor should there be any attempt by the federal government to identify an age at which waivers should occur. Those policy determinations are properly left with State legislatures."

Every witness told the Subcommittee that early intervention and prevention efforts are necessary. Professor Blumstein pointed out that because the societal institutions such as the family that provide socialization have declined, it is more important than ever that prevention be undertaken. Those efforts should begin earlier than has been tried before. Judge Kelly went to so far as to suggest that they begin from the moment of conception, but early on in any event. Judge Turner suggested targeting children who are now 5 to 10 years old, and an official with a local Big Brothers organization also stressed the importance of targeting the 6- to 10-year-old. There is a strong sense from juvenile judges and others that prevention is difficult after age 12 or thereabouts, or essentially the age when many young people enter the juvenile justice system. As Professor Fox testified, "We must act now while this baby-boomerang generation is still young and impressionable, and will be im-

pressed with what a teacher, a preacher, or some other authority figure has to say. If we wait until these children reach their teenage years, it may be too late to do much about it."

Early intervention efforts mean that large numbers of children must be reached. Although only a small percentage of youth will become the offenders that commit the vast majority of the crimes, it is impossible to identify such youth at the necessary age for intervention, Professor Fox testified. By the time the chronic offenders are identified through their actions, the likelihood of successful intervention is very low. Sadly, Judge Kelly testified, "We have so many 8-, 9-, 10-year-olds that are engaging in delinquent behavior, it is hard to figure out which one is the one that is going to end up killing somebody or doing something * * * like this. There are just so many children with guns at the age of 8, 9, 10 years old."

Witnesses had different ideas about what kinds of prevention programs are worthwhile. Professor DiIulio believes that the kinds of prevention programs that should be turned to involve churches. Professor Fox prefers school and recreation programs, job training, family support, and mentoring. Professor Blumstein believes that success can be obtained through providing day care to high school mothers to continue their education and socialize their children.

The Committee has conflicting views about prevention programs aimed at strengthening families. The Committee agrees with Judge Deacon that working with a youth who is in the system, and then returning him to a poor home environment is "like washing a glove and immediately taking it and sticking it back in a bucket of tar." While the importance of families cannot be overemphasized, the Committee wonders about the cases in which "families" do not exist to be strengthened or preserved. Working with families that can be saved is important, in part because of the poor quality of foster care in so many places. But given the substance and child abuse present in so many homes, the Committee thinks that too often the effort is made to keep a "family" together when the better course is to take that cleaned up glove and put it in another bucket altogether. As Mayor Swiney stated, "We've got to develop a system to enable authorities to remove children from hostile situations and violence in homes." Judge Wohlford thinks efforts to speed the process of terminating parental rights might be effective approaches to produce permanent placements. Professor Wolfgang has found that "no clear evidence is available to prove" that family preservation programs have "long-term effects in reducing delinquency and violence."

The Committee believes that prevention is important, although not a substitute to taking strong action against today's violent young offenders. But it also believes that a very different type of Federal prevention effort should be undertaken than in the past, when the Federal Government dictated particular prevention programs with little or no basis for believing that they would be successful. As Mayor Speer stated, "In general, efforts to address youth violence problems have failed.* * * We as a nation have historically thrown money at these types [of] problems, maybe in hopes that [they] would just go away.* * * [W]hat we are doing now is not working." The Committee hesitates to endorse any of these

programs, for the reasons that follow in the discussion regarding research, although the Committee is encouraged by the results thus far of many private sector efforts to prevent youth violence, including the Boys and Girls Clubs and Big Brothers and Big Sisters.

The Committee also recognizes that the problem of youth violence is severe and Americans rightly want immediate reductions in these crimes. However, the Committee also accepts Professor Fox's cautions that the impact of prevention is not manifested in actual crime reduction for 8 to 10 years when the target audience is currently 6 to 8, and patience will be required to see through some of the promising approaches.

The Committee further realizes the political difficulty of taking long-term action to reduce the impact of the next wave of young people who are about to reach the age of committing serious crimes. The Committee chooses to retain the requirement that the formula grants be used at least 75 percent for prevention, although it broadens the definition of prevention and changes the use of the funds in relation to the mandates. As Professor Blumstein testified, the fact that benefits of prevention are so far in the future means that legislative bodies will tend to underfund these programs unless they are required to, even if they are effective. The Committee believes that political reality will work to encourage States to adopt the necessary actions to increase the punishment options for violent juveniles, such as longer sentences and secure facilities, as evidenced by the substantial number of state enactments to that effect, combined with changes in JJDPA that will avoid interference with such state policies.

### C. FAILURES WITHIN THE JUVENILE JUSTICE SYSTEM

Based on witness testimony, the Committee believes that the juvenile justice system has failed to effectively punish youth offenders. This is true notwithstanding the assistance the JJDPA was supposed to provide to juvenile courts. A key element of prevention the Committee believes should be encouraged is the imposition of graduated sanctions on persons who begin to come into contact with the juvenile justice system. The Committee finds that the juvenile justice system today fails to impose punishment in a definite and systematic way on too many offenders, with the result that too many offenders who might be able to be turned around before becoming violent criminals are left to continue on their criminal path.

Judge Turner testified that 24 percent of juveniles in Tennessee had committed seven or more previous offenses. In Oklahoma, the average youth commits seven felonies before being placed in secure detention, and a similar situation exists in Virginia. One reason for this is that often nothing happens to juvenile offenders as a result of their appearance in juvenile court. The Committee is distressed that often nothing happens even if the youth commits a felony. Judge Kelly's young murderers were released to their (substance-abusing) parents numerous times after they built a long criminal history. The two had problems in school, constantly fought, and had numerous police contacts. The 10-year-old had been given probation for unlawful possession of a gun 9 days before he murdered

the 5-year-old, the first occasion in which he had any punishment imposed at all.

The Committee is also concerned about the lack of space in which violent young people can be detained. Judge Camp testified that "I can't get a kid in detention for anything less than drug dealing or weapons." Professor DiIulio recited that 9,000 juveniles were arrested for violent crime in Florida, but the State held only 1300 juveniles in custody. The Committee thinks Federal policies that interfere with States' ability to change this situation should themselves be changed.

Judge Deacon believes that swift sanctioning and followup is an approach that can turn some early offenders away from a career in crime. There must be consequences. Professor Elliott testified in favor of imposing consequences of some kind for every arrest. As Chief Carson stated, "[W]ith 98 percent of the children, you see a series of acts before he gets to the serious crime. If intervention comes early, we stand a better chance * * * of correcting the behavior.* * * Although it is true, as Judge Kelly points out, that many inner-city children could not possibly view time in a detention center where many of their friends already are placed as worse than the conditions of their home life, the Committee thinks Federal resources should be available, as part of prevention, to allow States to enable their juvenile justice systems to impose a consequence for every crime. On the whole, Oklahoma's Director Jerry Regier, a former OJJDP Administrator, properly notes that youth must be held accountable from their earliest signs of delinquency, and young people must know "that when they violate the law * * * there will be a consequence to that violation." The Committee believes that in a time when millions of young people receive no discipline from their families, the need for graduated sanctions in juvenile court has never been greater.

This does not mean that every offender must be locked up, and the requirement in the legislation that 75 percent of the formula grant be used for prevention purposes, including graduated sanctions, prevents the use of formula grants on incarceration. Graduated sanctions can be restitution, fines, or community service, for instance, or any other approach that will indicate that antisocial behavior will not be tolerated. If those sanctions are ineffective for particular individuals, then more severe penalties should be imposed after subsequent crimes. This approach also lets the system know earlier on who the more dangerous youth are, and can remove other offenders from the system altogether. The Committee is concerned, based on the testimony of young people, that after a young person is allowed to commit 10 or 20 offenses without consequence, there is little to stop the next offense. Moreover, if a youth receives no punishment until serious felonies are committed, then the only punishment he will ever receive is for a felony, whereas he might never have had to be incarcerated if the court had given him a less severe sentence for his earliest crime. Failure to impose graduated sanctions in this instance is not in the interest of the offender, the victim of the felony, or the society that has to pay the cost of secure detention.

Virginia's Patricia West says that a graduated sanction should be "something that the juvenile views as a tangible consequence that

we as the system put on them and think is a consequence," and does not include probation. Rather, it must mean taking away something the juvenile enjoys, or requiring the juvenile to make an effort.

Law enforcement approaches can essentially act as graduated sanctions as well. For instance, Professor Fox discussed a Massachusetts law requiring that a youth possessing a gun be incarcerated for 6 months no matter what. Had the 10-year-old in Chicago been subject to that law, the 5-year-old might be alive today, even if the former still never received any punishment until his gun possession arrest. Interestingly, the New York Times reports that Boston has had no juvenile murdered thus far in 1996 as of August, which the Committee finds to be remarkable, and the article suggests that this law may be one reason. Professor Blumstein mentioned New York's aggressive stop and frisk for gun approach, which punishes kids for possessing guns before a violent crime is committed. In Charleston, S.C., Chief Reuben Greenberg gives $100 for tips on illegal guns, which has the same effect, as well as reducing brandishing of weapons for fear of being prosecuted or arrested. Graduated sanctions for youth violence reflects no more than the knowledge from police techniques in adult crimes, which have found that punishing "minor" offenses produces major declines in more serious offenses. The Committee believes that prevention of youth violence can be achieved by applying this record to juvenile courts, and that JJDPA funds should be available to states who wish to pursue these approaches.

### D. THE MANDATES

Under JJDPA, in addition to numerous administrative requirements, participating States are required to adhere to four core mandates. First, status offenders, youths who commit offenses that would not be crimes if committed by an adult, are not to be securely detained. Second, States are not to detain juveniles arrested for nonstatus offenses in adult lockups, except that in rural areas, such detention is permissible for 24 hours if no acceptable alternative placement is available, with certain exceptions. Third, States are to separate juvenile offenders from incarcerated adults, and from part-time or full-time security adult prisoner staff or direct-care staff, which OJJDP has interpreted to require sight and sound separation. Fourth, States are to "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."

The Committee believes that each of the core mandates under JJDPA needs to be made more flexible. OJJDP has interpreted these mandates too stringently, with results that the Committee finds were never contemplated by the JJDPA. Further, it believes that many other requirements of the JJDPA that are imposed on the States should be eliminated. Moreover, the Committee finds that the mandates as currently written and interpreted interfere with the imposition of graduated sanctions, a result it concludes must change. The Committee also believes that JJDPA and OJJDP

are directed too much to accomplishing the core mandates rather than focusing on effective punishment and prevention.

While the main purpose of the mandates was to protect the physical safety of juvenile delinquents in jail, the regulatory interpretations of the mandates have unduly hindered the functioning of the juvenile justice system. As Barbara Holden of the Memphis and Shelby County Community Health Agency told the Subcommittee, "[W]e have done what those strings required and I am not sure we have gotten the results and the outcomes that we desired and we need to learn from that experience." The Committee agrees with State legislators, State administrators of JJDPA funds, and Governor Sundquist that States must be given "ongoing flexibility" to meet the mandates, "rather than having a Washington designer prescribe a one-size-fits-all model from afar." Representative Harwell testified, "Frankly, federal mandates and large bureaucratic programs are not working in the local towns and cities across Tennessee," and the Committee believes this to be true in other States as well.

A number of witnesses testified about the excessive filing requirements, including the representative of Big Brothers, who found Federal paperwork to be far more difficult to complete than funding requests from the State. Professor DiIulio stated that there are "enormous numbers of regulatory weeds that strangle initiative, all kinds of bizarre paper-filing, imbecilic requirements." Mayor Swiney told the Subcommittee, "It's possible to administer a program completely out of its effectiveness," and that is what the Committee believes OJJDP has done with these mandates.

The Committee also believes that the mandates have unnecessarily interfered with the effective and efficient operation of State juvenile justice systems in general, and juvenile correction facilities in particular. Professor Blumstein, who served on Pennsylvania's State advisory group for 11 years, testified that "some of the mandates just got in the way of effective operation." Professor DiIulio described OJJDP as "caught in something of an anti-incarceration time warp." The situation has become so intolerable that Utah's Camille Anthony related, "State leaders throughout the country are questioning whether it is sound fiscal and public policy to continue to comply with the costly mandates of a 21-year-old juvenile justice act for a return of a relatively few federal dollars." Indeed, Wyoming has withdrawn from participating. Youth rights that lie behind the mandates may not be fully protected if States decide to pull out of JJDPA completely.

The Committee is quite concerned that the deinstitutionalization of status offender mandate causes severe unintended negative consequences. As many witnesses told the Subcommittee, truancy, a classic status offense, is "a gateway behavior leading to delinquency." Judge Turner put it well when he stated that "while all truants are not delinquent, *all* delinquents have a history of truancy." The current mandate on status offenders makes imposing consequences for a behavior that is far more serious than it appears unnecessarily difficult.

Judge Deacon testified that he has no place to put status offenders because of the mandates. If a runaway or truant is placed in nonsecure detention, "they run back." Judge Camp noted poign-

antly, "They go home and brag to everybody about how they beat the system and let you get away with whatever they want to get away with." Oklahoma's Jerry Regier told the Subcommittee, "the mandates basically have hampered and restricted the ability to respond to the status offenders and the first-time offenders. We cannot sanction them effectively." The Committee finds this intolerable, and the opposite of how the juvenile justice system should operate.

In addition, the status offender mandate often works against the interests of the offender. Virginia's Patricia West testified that these individuals sometimes need to be securely detained because of an unstable home setting, truancy enforcement, the need to assess the underlying reasons causing the running away, and the risk to themselves of incorrigible behavior. Additionally, the current status offender mandate is impractical in rural areas that lack alternate placements or that confront inebriated juveniles.

The consequences of limiting options to deal with status offenders are serious. In Virginia, more than half of status offenders were rearrested within 3 years, and 85 percent of those were later charged with an offense more serious than a status offense. For these reasons, the Committee agrees that Senator Grassley is correct in criticizing an OJJDP staff comment that securely detaining runaways was a "hideous thought." Although the current mandate provides for a valid court order exception, the Subcommittee heard testimony that in practice, no judge is likely to issue an order that can be second-guessed by an administrative official. Yet, many judges believe that incarcerating a status offender for a weekend, for instance, might be very effective in stopping further delinquent behavior. The practical effect of the mandate as it is currently administered is that status offenders cannot be securely detained. The Committee will not mandate that status offenders be detained, but it wants States that choose to do so to have some flexibility, while preserving the rights of these offenders.

The Committee believes that the jail removal mandate is similarly interfering with the imposition of graduated sanctions and is in need of modification. Chief Carson told the Subcommittee that under the jail removal mandate, a police officer has to stay in the presence of the juvenile, because no place satisfying the mandate exists in a rural area to put the offender. As Sheriff Oedekoven and Chief Carson rightfully complained, if a community has only two or three police officers, that mandate ties up a substantial portion of the force for a time with little benefit, harming the entire community. As a result, "you begin to find officers ignoring juvenile crime, as they often can, until it becomes a most serious matter." Once again, the Committee finds this to be the opposite of how the juvenile justice system should function. As Chief Carson said, "By eliminating even short-term secure detention, you have to remove the early intervention catalyst that brought together the forces that could provide earlier identification and assistance." Due to this mandate, juveniles learn what they can get away with without consequence. As Chief Carson stated, "In many cases when responding to [a] call involving a juvenile, the offender will quote to the officer exactly what the officer can and cannot do, along with saying, 'You can't lock me up' and 'All I'll get is probation.'"

Wisconsin's Ray Luick believes that detention should be permissible in rural areas for up to 72 hours, which is not a major change from current law if the weekend and holiday exception is considered. Detention space that would satisfy OJJDP simply is not often available in rural areas. Oklahoma's Jerry Regier testified that some judges waive property offenders to adult court (in which case the mandate does not apply) because there is no detention space available, which results in a cure worse than the disease. Youths are transported long distances in many instances under the current law, only to then be returned a few days later. Virginia's Patricia West told the Subcommittee that the jail removal mandate in rural areas means that the youth, if detained, is confined outside the community. Given the hassles, many departments choose not to arrest juveniles, which sends the wrong message. Mr. Luick testified that Wisconsin has both a high juvenile arrest rate and a low juvenile crime rate. The Committee believes that this is not a coincidence. Chief Carson testified that a 72-hour exception to the jail removal mandate would make police more willing to "make the arrest, make the citation, and get the system started for the juvenile now before it gets too serious." The Committee wishes to change the law so that States will not face incentives not to arrest.

The Committee also heard testimony that the separation mandate should be changed. Clearly, the Committee agrees with Colorado's William Woodward that having adults in close proximity to youth can increase the risk of violence to juveniles, the risk of suicide, and potential liability to law enforcement officials, as well as exposing juveniles to a dangerously influential criminal element. Nonetheless, Sheriff Oedekoven testified that under OJJDP regulations, this mandate prohibits even haphazard contacts between adults and juveniles. Separate staff must be maintained, so that "an officer stationed in a guard tower cannot flip a switch to open a cell block door for an adult inmate during the same shift in which he opened a door for a juvenile." He stated that "Congress should re-examine the role of the OJJDP and reign [sic] in their rule-making authority." Virginia's Patricia West testified how difficult it is to avoid even haphazard contact, and stated that the most serious harm likely occurs only if juveniles are actually housed with adult offenders.

OJJDP also ordinarily interprets the sight and sound separation mandate to preclude collocated facilities. Wisconsin's Ray Luick testified that such facilities permit the shared use of educational and recreational facilities that otherwise would not be available to juveniles, and he recommended that the JJDPA be modified to permit shared staff and collocated facilities.

The Subcommittee also heard testimony that the disproportionate minority confinement mandate should be changed. Utah's Camille Anthony stated that this mandate "is inappropriately placed on the juvenile justice system." She believes that "states cannot comply with it in its present form." Oklahoma's Jerry Regier testified that youths are arrested for their acts, rather than their race. He suggested that the answer to the problem of disproportionate minority confinement is "to ensure prevention monies get to the right neighborhoods and families so we can actually reduce the percentage of African-Americans coming into the system."

Such an approach is consistent with the ABA's Robert Schwartz, who states that under this mandate in Pennsylvania, "state and local partnerships have used formula grants to introduce intensive prevention programs in high-crime areas with large minority populations."

Under current law, States are penalized for noncompliance with the mandates. Judge Turner testified that OJJDP should not penalize States with a loss of 25 percent of their funding for each mandate not complied with. And Virginia's Patricia West stated that this penalty, combined with the requirement that the remainder of the formula grant allocation be used to comply with any mandate a state does not satisfy is "unnecessarily punitive." She indicated that States may want to fund multiyear pilot prevention programs, and funding for these programs may be cut off in midstream, no matter how effective the program, if the State temporarily is out of compliance with a mandate. In any event, the GAO's Laurie Ekstrand found that OJJDP conducts little monitoring for compliance with the mandates. GAO found that OJJDP conducted 29 such on-site monitoring visits in the three years 1993–95, rather than the 171 that would have been conducted if OJJDP had adhered to its policy of annual visits for each State.

Finally, States are currently required as a condition of receiving JJDPA funds to set up a State Advisory Group, and the statute prescribes many conditions a State must satisfy in setting up the advisory group. In addition, the State must spend a certain portion of its JJDPA allocation on the advisory group. Utah's Camille Anthony testified that these requirements were burdensome. She believes that many States receive little of value from these advisory groups. She also found that some of the membership requirements were impractical, such as including young people who may be in school and have difficulty in obtaining transportation to the meetings. In lieu of State advisory groups, she suggested that Congress "allow States to determine the appropriate mechanism by which these funds should be distributed and the board that makes that decision. * * *"

### E. RESEARCH, EVALUATION, AND DISSEMINATION

OJJDP was established in large part to be the Federal Government's research arm into juvenile delinquency and to be a resource to States on effective programs and techniques to address the problem. This meant that OJJDP would undertake its own research and evaluation efforts but that it would also disseminate to the States the results of well-considered evaluation and research studies performed by others. Given the juvenile delinquency problem of the time, Congress was farsighted in the creation of this function. Unfortunately, the Committee believes that OJJDP has failed to fulfill the promise of determining effective programs. Indeed, the Committee believes that we know little more of what is effective today than we knew two decades ago, putting to one side how to address the very different youth violence problem that exists today. At the Subcommittee's oversight hearing, for instance, witnesses were able to identify only a few OJJDP-funded programs that had been evaluated to be effective. This was true notwithstanding

OJJDP's publication of a list of programs purported to be effective, only a small number of which had ever been evaluated.

The Committee believes that it is an urgent priority that the research and evaluation mission that was intended for OJJDP 22 years ago actually be performed. Everyone knows that youth violence is a serious national problem, but little is known about successfully preventing those crimes or intervening to make young criminals turn away from their offending. Professor Blumstein testified that existing research findings "reflect only a tiny portion of what we need to know to make effective policy and operational decisions" and that we are "at an extremely primitive stage of knowledge regarding violence." One major deficit in the existing research is its frequent focus on one site or setting, rather than a determination of whether a particular approach can be generalized to a larger population base, he indicated. Professor Blumstein told the Subcommittee that while some work has been done to determine the effectiveness of intervention programs, little research into effective prevention is available because of the lengthy time periods required to measure the effectiveness of prevention programs.

Numerous witnesses concurred that the primary responsibility for the operation and effectiveness of the juvenile justice system lies with State and local governments. Nonetheless, a consensus among witnesses developed that conducting research and evaluation of programs designed to combat youth violence is a proper Federal function. Professor Blumstein concluded that States are unlikely to focus on such a public good when its benefits would be dispersed so widely. Even if States did conduct such research, the results would not reflect the effectiveness of a program upon a broad range of populations, which is a critical research need. Further, only the Federal Government is likely to conduct such comprehensive research due to its cost, although economies of scale would be available at the Federal level.

To be sure, OJJDP currently conducts research, and some of the witnesses praised some of its research. Nonetheless, OJJDP emphasizes how much of its resources are returned directly to the States, implicitly recognizing that little of its budget is directed to research and evaluation. And the quality of much of its research work is subject to criticism. Dean Schwartz, a former OJJDP Administrator, remarked that "OJJDP still does not have a focus and coherent research and development agenda. Because of this, resources have been squandered and little knowledge has been advanced in key areas."

Witnesses agreed not only that the quality of Federal research must be improved, but that the budget for such research must be increased as well. Professor Blumstein contrasted the OJJDP youth violence research budget of under $20 million with NIH's budget, which is nearly 1000 times larger. "It is clear that the research expenditures in this area are profoundly inconsistent with the magnitude of the problem, with the resources being expended to address the problem, and with the resources committed to other comparably important National issues."

Witnesses appearing before the Subcommittee raised urgent and serious issues in youth violence in research that would be appropriate subjects for Federal research efforts. Professor Blumstein

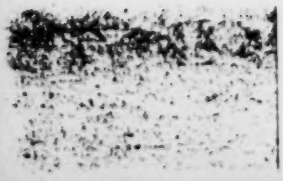
discussed the paucity of information concerning the development of violent career criminals and how that development relates to family environments. Dean Schwartz agreed that little is known concerning the prevention of serious chronic and violent behavior. Professor Blumstein also listed as necessary research issues the effect of community conditions such as social isolation on juvenile violence, gang violence, drug markets, and gun markets. Additionally, research is needed into what intervention programs successfully socialize offenders, and how the juvenile justice system can control illegal guns and drugs. Dean Schwartz finds that research is needed into the effectiveness of applying adult sentencing practices on juveniles and in identifying effective programs, with reference to particular types of youth in particular circumstances. He also thinks the relationship of substance abuse to youth crime needs further study.

In addition to directing research into basic questions such as criminal history progression and the effects of trying youths as adults, witnesses such as Professors Thornberry and Elliott agreed that rigorous evaluation research should be conducted on various prevention programs to determine if such programs are effective. Professor Elliott believes that too much of what OJJDP spends on evaluation does not actually determine the effectiveness of programs, but only whether a program delivers the services that it said in its grant application that it would provide. The GAO's Laurie Ekstrand found that the evaluations OJJDP conducted for its discretionary grants were of exactly that process-oriented character. Too often, recipients of Federal prevention grants make well-meaning but unsubstantiated claims that their programs are successful. The Committee agrees with Professor Wolfgang that self-congratulatory anecdotal claims of success should be discounted.

Peer-reviewed evaluations are the only means of determining which prevention programs actually are worth funding. To study effectiveness, individual programs need to be tested in different locations with different youths and different staffs for a lengthy time period. Such evaluation is expensive. Professor Elliott told the Subcommittee that "the evaluations we are talking about here cost as much as the annual budget for most of these programs." Yet, less comprehensive evaluations will produce little new knowledge of successful approaches to reduce what is perhaps the country's most significant problem.

Witnesses such as Professors Thornberry and Elliott agreed that if JJDPA were turned into a block grant program, no such comprehensive evaluations would occur. States would spend the money without having any base of knowledge whether the money was spent on effective programs. They thought that scenario should be avoided.

Of course, not all research will produce evidence of successful approaches. However, as Professor Thornberry noted, identifying programs that do not work is as important as identifying successful programs. Indeed, some research in this area has identified programs that are not only not effective, but are actually harmful. States need to know which programs their formula grants should not support.



To do so, Dean Schwartz and Professor Wolfgang maintain that OJJDP needs to do a better job in disseminating to the States the result of research and evaluation efforts. Dean Schwartz mentioned that OJJDP should provide the States with more policy-relevant information, such as the studies that suggest that juveniles who go to adult prison are more likely to commit crimes upon their release than similarly situated juveniles who are sent to juvenile facilities. Once effective programs are identified, Professors Elliott and Wolfgang suggested that States be given incentives to implement successful programs and not to fund unsuccessful ones.

Professors Blumstein and Elliott also stressed the importance of the Federal Government's provision of training and technical assistance to the States, once it has been determined that there are effective techniques and evaluations that have been carried out. Professor Elliott mentioned that OJJDP now has 8 grants for data collection, and funds 24 agencies for technical assistance, which should be better coordinated.

The call at the hearings for additional research was not made by academics alone. Colonel Gordon indicated that no one knows whether various programs are effective, and thought that "the best thing the Federal Government could do is provide research for that effort. * * *" Judge Deacon described the Federal Government's providing of research and training as "one of the real critical needs." A Tennessee youth detention center administrator agreed. And Utah's Camille Anthony indicated that if JJDPA is to be reauthorized, OJJDP "should concentrate on assisting States with the development of effective prevention programs."

### F. DISCRETIONARY GRANTS

In addition to providing formula grants, enforcing the mandates, conducting research, and providing technical assistance and disseminating information to the States, OJJDP currently administers discretionary grants. The Committee believes that these discretionary grants are in need of major restructuring. It agrees with Tennessee's Barbara Holden that too much Federal antidelinquency spending results from "design[ing] programs and t[ying] government dollars to problems which are the most pressing at that time. It seems to make little difference that these programs repeatedly fail to make the gains that we hope to accomplish through them."

Because OJJDP's research and evaluation efforts have been unsatisfactory over the years, OJJDP today funds tens of millions of dollars of discretionary grants without any assurance that those funds will reduce youth violence. Current law makes States agree to fund federally designed projects in order to qualify for Federal funds, whether these projects are the State's primary youth violence problem or whether the program will make a positive difference. The Committee firmly believes that the Federal Government, including the Congress, needs to cease its current mindset that simply creating and funding a Federal youth violence program equates with ameliorating the problem.

Too much of OJJDP's current practices involve funding and administering without regard to whether its actions lead to effective punishment or prevention. Not only does its myopic interpretation

of the mandates cause unnecessary expense for States without results, but too many of its discretionary grants are designed to further extend the reach of the mandates seemingly for their own sake. Dean Schwartz encouraged the Congress to turn JJDPA's attention away from the mandates and use OJJDP's discretionary funds for more pressing juvenile crime control and prevention issues.

Even more serious, too much of OJJDP's discretionary grants are used for programs that are not known to be effective, and that may even be detrimental. For instance, JJDPA funds a discretionary grant program for mentoring. Yet, according to Professor Wolfgang, "the majority of these mentoring programs do not work." Professor DiIulio is on the board of Public-Private Ventures, which conducted a study showing the effectiveness of the Big Brother/Big Sisters program. However, that evaluation focused on the specific differences in that program that distinguished it from other mentoring programs. In fact, the Committee is aware of evaluations of certain mentoring programs that increased juvenile crime by exposing youth to mentors who were negative influences, compared with a control group.

Similarly, OJJDP administers a discretionary grant program under JJDPA that supposedly combats gang activity. Professor Wolfgang has studied the evaluation literature of gang education programs designed to prevent young people from joining gangs, as well as other programs designed to work with existing gang members. He told the Subcommittee that evaluations of gang education programs showed only that they had changed attitudes, but that programs like Gang Resistance and Education Training [GREAT] "had virtually zero impact" in actually reducing gang membership. Programs that worked with gang members did not reduce gang membership or gang-related crime. In certain instances, he related, "negative effects such as increased delinquency were observed." Professor Elliott noted that the Government is funding ineffective programs and "[i]t doesn't seem to bother us. We have got very popular programs going on right now * * * that we have at least fairly good evidence aren't working that we are still spending money on." The Committee strongly concludes that JJDPA and OJJDP should not fund programs labelled as "anti-gang" or "mentoring" programs that at best are a waste of money and at worst actually increase delinquency.

The problem is growing. GAO found that OJJDP has funded 162 *new* discretionary grants in recent years. Without knowing the effectiveness of these programs, it seems that OJJDP's current uses of discretionary funds to treat juvenile delinquency can be compared to the use of bleeding to treat disease two centuries ago.

The Committee believes that this is the greatest current problem in Federal crime prevention funding. A recent GAO report found that the Government funds 131 programs designed to prevent youth crime at a cost of $4 billion. GAO found that substantial duplication may exist in the types of programs and the target population. So many programs exist that even top OJJDP staff, the agency that by statute is supposed to coordinate the Federal Government's delinquency prevention effort, understandably did not know of the existence of some of the programs. Moreover, these

programs have been designed and funded with strict Federal rules that are not required to guarantee effectiveness, but because someone arbitrarily decided they should exist. In addition, Professors Elliott and Wolfgang told the Subcommittee that many of these 131 Federal antidelinquency programs are "involved in things that we have got pretty good evidence aren't effective."

Fixing this overall problem is beyond the scope of reauthorizing the JJDPA. Nonetheless, the Committee believes that the Federal Government has made a serious mistake in its juvenile crime policy. It has mandated that States spend money for particular programs without having any idea whether these programs are effective. In the next Congress, committees with oversight jurisdiction should examine whether federally funded antidelinquency programs are duplicative and effective. The Committee believes that it is appropriate for Federal resources to fund *effective* crime prevention, not necessarily any social spending labelled as such. Because of the lack of knowledge and the Federal Government's poor track record in this area, the Committee hesitates to spell out specific crime prevention programs for States to implement or specific crime prevention programs that should receive funding from discretionary grants.

The Committee found that OJJDP's discretionary grants are used in other ways that are unrelated to effective crime prevention. For instance, Dean Schwartz explained, too much of OJJDP's discretionary funds are tied up in earmarks and set-asides to organizations that, while worthy and important, were not intended to be the beneficiary of OJJDP's limited discretionary funds. Congress has written into the statute an earmark for the National Council of Juvenile and Family Court Judges, for instance. As Dean Schwartz told the Subcommittee and Professor Elliott concurred, "[I]f just $20 million of the $40 million that went to the National Council of Juvenile and Family Court Judges might have been targeted for critical research trying to address the prevention issue for chronic delinquents or preventing serious violent behavior, we might not be in this position that we are in today. You can make a very good argument that judicial training ought to be a state and local responsibility. * * *"

Moreover, he suggests that discretionary grants be freed up, and the money used to fund a set of prioritized national issues in research in the field. He also advocates that the discretionary funds be awarded competitively. The Committee agrees.

A further problem concerning OJJDP's discretionary grants brought to the Committee's attention is their direction to programs that are not innovative. Professor Elliott remarked that the creative programs in this area that have been funded over the past 10 years have not come out of OJJDP. In fact, a number of academics have told the Subcommittee that one large discretionary grant program is based on knowledge that is far from innovative and has essentially created a cottage industry for the provision of technical assistance to grant recipients.

Dean Schwartz testified, "[O]ver the years there has been a steady decline in the stature, influence, and respect of the OJJDP. The Office is not reviewed [sic] as a credible resource to elected public officials and juvenile justice professionals. * * *" The Com-

mittee reluctantly concludes that OJJDP's difficulties with rigidly enforcing an impractical interpretation of the mandates, its failure to conduct quality evaluation and disseminate useful information to the States, its funding of discretionary grants of dubious value, and the pressing need for more research and evaluation into effective approaches to preventing and controlling youth violence, require a restructuring of the Office.

The Committee views S. 1952 as making the changes in the reauthorization of JJDPA that were recommended by the witnesses who appeared, witnesses who reflected expertise in criminology as well as vast experience with the practical administration of existing statutory provisions. The Committee does not consider S. 1952 to be a panacea for the very serious youth violence problem now facing the country. It does, however, believe that S. 1952 establishes a useful role for the Federal Government to assist States and localities to carry out their responsibilities to prevent, prosecute, and punish youth violence.

## IV. VOTE OF THE COMMITTEE

On August 1, 1996, with a quorum present, the Senate Committee on the Judiciary by voice vote ordered S. 1952 favorably reported.

## V. SECTION-BY-SECTION ANALYSIS

### SECTION 1. SHORT TITLE

This section sets forth the short title of the legislation, "The Juvenile Justice and Delinquency Prevention Act of 1996."

### SECTION 101. FINDINGS

This section rewrites the findings of the current legislation. Youth violence figures are updated. The findings reflect that younger persons are committing violent acts and that if current trends continue, given the increase in the youth population over the next several years, youth violence will dramatically increase unless effective prevention and control strategies are adopted. This section also finds that illegitimacy, the decline of marriage, welfare dependence, and youth violence are closely interrelated, as are child abuse and neglect and youth violence. Further, the section adds findings that increased drug abuse has led to increases in child abuse and youth violence, and that child welfare agencies fail to break the cycle between abuse and delinquency. Additionally, this section finds that the juvenile justice system fails to protect the public from violent youths, particularly because it fails to impose certain and graduated punishments. This section also finds that existing Federal programs have not provided the research and evaluation necessary to determine which programs are effective in preventing youth violence. Further, the section finds that current mandates in the legislation have been administered too inflexibly, and have made the Office of Juvenile Justice and Delinquency prevention too focused on issues unrelated to preventing or punishing youth violence. This section eliminates findings in current law con-

cerning services to juveniles, Federal leadership, rehabilitation, and public recreation and self-esteem.

SECTION 102. PURPOSES

This section adds new purposes to the Juvenile Justice and Delinquency Prevention Act. The section adds that scientific evaluation into effective means of preventing youth violence is now a purpose of the legislation, as is assisting the States in punishing and controlling youth offenders. Purposes in existing law to develop national standards, strengthening families, and removing youths from local jails are eliminated.

SECTION 103. JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

This section makes changes to title II of the Juvenile Justice and Delinquency Prevention Act. This section amends section 201 of JJDPA by changing the name of the Office of Juvenile Justice and Delinquency Prevention to the Office of Youth Violence Reduction. The Administrator of the office would no longer be a Presidential appointee, but rather a career appointee who has experience in juvenile justice programs. The Administrator has the authority to prescribe regulations consistent with the Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title.

This section also amends section 204 of JJDPA to require the Administrator to submit his plan for Federal juvenile delinquency prevention programs to the Congress, rather than the current requirement of consulting with the Coordinating Council of Juvenile Justice and Delinquency Prevention. In addition, the Administrator is given the role of reducing duplication among Federal juvenile delinquency programs and activities conducted by Federal departments and agencies. In submitting his plan to the Congress, the Administrator should inform Congress which Federal programs appear duplicative, and which programs appear to be ineffective based on evaluations conducted by the Federal Government or nonprofit entities. Most of the Administrator's current responsibilities set forth in section 204 are eliminated.

This section strikes section 206, the Coordinating Council on Juvenile Justice and Delinquency Prevention. The Committee believes that the Council meets infrequently, despite prior congressional attempts to increase its activity. The Committee also believes that the Council does not effectively coordinate Federal antidelinquency programs, as evidenced by a recent report of the U.S. General Accounting Office.

This section also strikes portions of current section 207 of JJDPA, now redesignated section 206, that refer to the Council. It also eliminates the requirement that the Administrator report on State compliance with State plans under JJDPA. Additionally, the section requires the Administrator to report on scientifically evaluated and demonstrated effective delinquency prevention programs. The Committee finds that the current law's requirement that the Administrator identify "exemplary" prevention programs serves no useful purpose if those programs have not been scientifically determined to be effective.

This section amends section 221 of JJDPA by eliminating the Administrator's authority to evaluate programs and to issue grants to implement State plans. Evaluation functions under JJDPA will now be under the exclusive domain of the National Institute for Juvenile Justice and Delinquency Prevention. This section also eliminates the requirement in section 221 of JJDPA that recipients of technical assistance coordinate their activities with State advisory groups.

This section amends section 222 of JJDPA by eliminating references to parts D and E of JJDPA. Additionally, references to earlier fiscal years are changed to authorize appropriations for the next 4 fiscal years. Further, the section removes the requirement in section 222(d) of JJDPA that 5 percent of the minimum annual allocation to any State be made available to assist the State advisory group.

This section substitutes new language for section 223 of JJDPA. States would no longer be required to submit 3-year State plans to the Administrator and demonstrate progress in implementing those plans. States would also no longer be required to establish State advisory groups. States would be permitted to establish State advisory groups, and if they choose to do so, may choose to adhere to all, some, or none of the requirements for those groups now contained in section 223 of JJDPA. This section also eliminates the current requirements in section 223 of JJDPA that State plans contain various analyses, distribute funds in various ways, provide for certain rights protections, and establish various other plans.

This section provides that for States to be eligible to receive formula grants, they must spend at least 75 percent of the formula grants for preventive and nonincarcerative intervention, including drug and alcohol treatment activities, and programs that encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between probation and confinement in a correctional facility, including graduated sanctions for youth offenders, and for implementing a system whereby every offender receives some sanction for every crime, except that such funds cannot be used for purposes that the National Institute for Juvenile Justice and Delinquency Prevention determines do not prevent or reduce youth violence. To comply with this requirement, States may spend funds to become able to impose various graduated sanctions, but that term does not include correctional facilities, although States may use the other 25 percent of the formula grants for these purposes. Present law imposes a 75-percent requirement for spending on a narrower range of program options. Since the imposition of punishment in additional cases may constitutionally require that more youth receive access to counsel, States may use funds for graduated sanctions for this purpose. This section permits States to use funds for any preventive purpose that NIJJDP determines not to be ineffective. For this reason, this section eliminates the long list of activities that under current law satisfy this requirement of section 223, since many of these may not be effective in preventing youth violence or imposing graduated punishments or some sanction for every crime.

This section also requires that States provide for the keeping of records by recipients of formula grants so that NIJJDP can monitor

whether the use of the funds has prevented or reduced youth violence.

This section requires that States, as a condition for receipt of formula grants, ensure that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law), or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention or secure correctional facilities, except that the juvenile or family court may detain, after a hearing, in a secure detention facility for a limited time not to exceed 72 hours, a runaway, truant, or incorrigible youth, if the youth either (1) received a previous official court warning that an additional instance of such behavior would result in the secure detention of that youth or (2) the chronic behavior of the youth constitutes a clear and present danger to the physical or emotional well-being of the youth or the physical safety of the community, if the juvenile's detention is not longer than the time necessary to eliminate such danger and secure detention is the least restrictive means available for guarding the safety of the youth or the community. Under existing section 223 of JJDPA, status offenders as a practical matter cannot be securely detained. This section would allow, but would not mandate, that States could securely detain chronic status offenders for up to 72 hours if they had received a prior judicial warning that such result would follow continued commission of status offenses. States are encouraged to provide assistance to such youth during this period. In addition, States could, but would not be forced to, securely detain status offenders whose chronic behavior poses a threat to their own safety or public safety, as might be the case for chronic runaways who are found at late hours living on the street.

This section also establishes a condition for State receipt of formula grants that an annual report be submitted to the Administrator describing compliance with section 223 of JJDPA and containing a review of the progress in deinstitutionalizing status offenders under the revised section 223. This is necessary so that the Administrator can determine if the State is complying with the statutory conditions for receipt of formula grants.

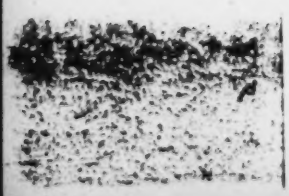
This section amends the separation mandate by prohibiting only the regular contact of adults and juveniles. This section amends the requirement that direct-care and management staff cannot be shared to permit such sharing if the staff has been properly trained and certified by the State to deal with juvenile offenders, and staff is not dealing directly with both adult and juvenile prisoners in the same shift. "Regular contact" means that youth may not be in sight or sound contact with adults when in residential confinement, but that incidental contact in common areas is permissible if reasonable efforts, such as curtains and blackened windows, are used to separate adult and juvenile offenders, including in spaces for processing accused offenders. This section also permits the use of collocated facilities if such steps are taken. Staff that has no role in direct care or management of youth offenders, such as cooks, may be shared in the same shift. In addition, direct-care and management staff may be shared between youths and adults so long as the State

has provided training and certification on dealing with juvenile offenders, and such staff does not deal directly with both adults and juveniles in the same shift. No specific form of good-faith training and certification is required.

This section amends the jail removal mandate of section 223 of JJDPA. States could receive formula grants while permitting the detention or confinement of juveniles in a State-approved operation of a county jail or secure detention facility for up to 72 hours if there is compliance with the separation mandate as revised and the facility is located outside a metropolitan area where no existing acceptable alternative placement is easily accessible, rather than the current standard of "availability." This section eliminates exceptions to the current jail removal standard that are no longer necessary as a result of the amended language.

This section amends the disproportionate minority confinement mandate contained in section 223 of JJDPA. The new standard requires only that States address prevention efforts to reduce the proportion of minority group members who are securely detained if such proportion exceeds the group's proportion in the general population, and that they adhere to the requirement codified at section 3789d(b) of 42 U.S.C. This change addresses the concern that the existing language of this mandate, reasonably can be read to have unintentionally required that quotas be imposed on the locking up of individuals based on their race rather than their conduct. To comply with the new language, States would have to ensure that at least some of their prevention money was spent in areas where minority groups were concentrated if those groups were being securely detained in proportions greater than their proportion of the general population. Supporters of the current language of this mandate testified that that was their understanding of existing law.

This section changes the penalty provisions of existing section 223 for failing to comply with various mandates. If a State fails to comply with any one of the following mandates: status offenders, separation, jail removal, or minority overrepresentation, the Administrator shall reduce the State's formula grant allocation by 25 percent. States could continue to spend the remainder of their formula grant on the purposes permitted under section 223, and would not need to use those funds to come into compliance with that mandate. If a State failed to comply with more than one of those four mandates, then it would lose 50 percent of its formula grant funding, and could use the remaining 50 percent for the crime prevention activities permitted under section 223. States could thus receive 50 percent of their formula grant amounts even if they complied with none of these four mandates. This section prohibits the imposition of penalties on States that fail to comply with the mandates of section 223 if those States have enacted legislation conforming to those requirements that contains enforcement mechanisms sufficient to ensure that such legislation is enforced effectively. OJJDP can determine whether there is effective enforcement either because the State law in fact results in near total compliance with the mandates or because available administrative or judicial remedies effectively enforce State laws that adopt the same standards as contained in section 223.



This section also amends section 241 of JJDPA to move the National Institute of Juvenile Justice out of the Office of Youth Violence Reduction and into the Office of Justice Programs. The head of NIJJDP will be denominated the Director of Juvenile Justice and Delinquency Prevention, a position that shall be filled through Presidential appointment with the advice and consent of the Senate from among individuals who have had experience in juvenile justice programs or experience in scientific research. The required experience in scientific research need not be in the field of juvenile justice. This section adds as purposes of NIJJDP to provide for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded by the formula grants and to provide funding for research and demonstration projects on the nature, causes, and prevention of youth violence and juvenile delinquency. The purpose of these changes is to make sure that the programs formulated under the formula grants can be scientifically and independently evaluated to determine their effectiveness. The statute does not provide sufficient funds to result in the evaluation of all formula grant funded programs, but the Director should evaluate a mix of programs in a variety of locales among a diverse group of youth so that knowledge can be gained about the evaluation of types of programs as well as individual approaches. This section removes the Director's role with the State advisory groups, including the provision of technical assistance. This section also directs NIJJDP to make grants and enter into contacts to evaluate programs funded by State formula grants as well as to evaluate the projects it funds itself, and to fund research projects. This section requires that these evaluations and research studies be independent, awarded competitively, and employ rigorous and scientifically recognized standards and methodologies, including peer review by nonapplicants. The Committee's desire is to enhance the professionalism and quality of work product conducted by NIJJDP, with NIH, NSF, and similar Federal research agencies as models.

This section amends section 243 of JJDPA by eliminating references to programs that strengthen and preserve families, due to the questionable nature of such programs as a matter of policy and effectiveness. This section also directs that the technical assistance provided by NIJJDP be of the best practices, instead of simply providing technical assistance as under current section 244 of JJDPA. Rather than encouraging the development of programs to take into account life experiences of offenders, this section directs NIJJDP to develop, through research and evaluation, studies concerning effective methods for preventing and intervening in juvenile delinquency, including studies of the effectiveness of waiving juveniles into adult court and risk prediction, with particular reference to the circumstances of the youth and staff involved that make a particular program successful or unsuccessful. Further issues for research by NIJJDP are identified in the discussion portion of this report and through section 301 of the legislation. This section also directs NIJJDP to disseminate the results of what NIJJDP learns about effective programs and research into youth crime and other data collection. NIJJDP is also to disseminate regular reports on the record of each State in combatting youth violence, such as the number, rate, and trend of homicides and other serious crimes com-

mitted by youths. In this way, States can be held accountable for whether they are using crime prevention funds wisely, and States can learn which States are operating programs that might be effective for use in their own States. Provisions in this section concerning NIJJDP's authority to undertake studies into subjects covered by the mandates in section 223 of JJDPA are eliminated.

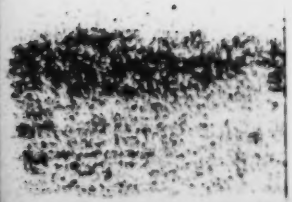
This section strikes section 244 of JJDPA concerning technical assistance, section 245 on training programs, 246 on curriculum for training programs, 247 relating to participating in training programs and State advisory group conferences, and 248 on special studies and reports. NIJJDP is authorized instead to provide the best practices for technical assistance, primarily by informing States of what methods and programs have been scientifically demonstrated to be effective.

This section also strikes section 261 of JJDPA, special emphasis prevention and treatment programs. The programs currently listed in this section either concern the mandates and are thus unrelated to punishing or preventing youth violence, can be funded by State formula grants if States so choose, or have not been demonstrated to be effective in preventing youth violence.

This section also redesignates present section 262 of JJDPA as section 244, and adds factors the Director must consider in determining whether or not to approve applications for grants and contracts for research and evaluation that are designed to improve the scientific validity of the research conducted. These include whether the project uses appropriate and rigorous methodology, including appropriate samples, control groups, psychometrically sound measurement, and appropriate data analysis techniques, the experience of the principal and coprincipal investigators in the area of youth violence and juvenile delinquency, the protection offered human subjects in the study, including informed consent procedures, and the cost effectiveness of the proposed project. Quality of the research is further enhanced by this section's requirement that NIJJDP select grant and contract recipients only after a competitive process that provides potential applicants with at least 90 days to submit applications for funds, after the applications are subject to formal peer review by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, research methodology, evaluation research, statistics and related areas. The peer review process is to conform to the process used by NIH, NIJ, or NSF.

This section strikes Part D of title II of JJDPA, concerning Gang-Free Schools and Communities and Community-Based Gang Intervention. Leading criminologists have determined that programs such as these have not been found to be effective, and in some cases may cause delinquency, as mentioned in the discussion section of this report, so the Committee has determined that they should not be funded. These grants may also not be relevant to many States as a priority, and force States to adhere to particular requirements that may not be effective or useful to particular States' problems as well.

This section strikes part E of title II of JJDPA, concerning State Challenge Activities. This part currently provides States an additional 10 percent of their formula grant award for conducting chal-



lenge activities the State chooses to engage in. Many of these grant activities are unrelated to preventing or punishing youth violence, such as, but not limited to, the mandates in section 223, and the prevention programs have not been determined to be effective. States may choose to fund the prevention programs out of their formula grants if they believe them to be worthy.

This section also eliminates part F of title II of JJDPA, treatment for juvenile offenders who are victims of child abuse and neglect. This part has never been funded, and the Committee believes that the Victims of Child Abuse Act that is reauthorized by this legislation is effective in removing abused children from abusive and criminogenic family settings.

This section also eliminates part G of title II of JJDPA, mentoring. As noted above, expert criminologists have concluded that most mentoring programs are ineffective, and some may even foster delinquency. States may use their formula grants to fund mentoring programs of the type that have not been found to be ineffective. For the same reason, this section eliminates part H, boot camps. This section also eliminates authorization for the White House Conference on Juvenile Justice, which was contained in part I of title II of JJDPA.

This section also authorizes funding of $160 million for JJDPA for fiscal years 1997, 1998, 1999, and 2000, of which $70 million is to be expended for State formula grants, $70 million is to be made available to NIJJDP (of which not less than $28 million shall be made available for evaluation research of prevention programs, and $16 million is made available for child protection, of which $7 million is to be made available for title IV of JJDPA). Not more than $4,000,000 shall be expended for administrative costs. Dean Schwartz testified that OJJDP has 70 staff, which he considers excessive, and which he recommended could be cut substantially.

This section amends section 299 of JJDPA to limit the regulatory authority of what is currently called OJJDP. Under this section, the Office of Youth Violence Reduction will no longer have the authority to promulgate regulations under the status offender, separation, jail removal, and minority overrepresentation mandates of JJDPA. This has been done because the Committee believes that OJJDP has used its regulatory authority in this area to impose burdens on States based on readings of the statutory language that were never intended to be adopted. Accordingly, current OJJDP regulations concerning the language of statutory mandates, all of which have been changed by this legislation, would be null and void. Given OJJDP's prior reading of the current language of the mandates, courts interpreting the language of these four statutory mandates should accord no deference to the interpretation of the Office of Youth Violence Reduction within the rule of *Chevron U.S.A. Inc.* v. *Natural Resources Defense Council,* 467 U.S. 837 (1984).

SECTION 103. AUTHORIZATION OF APPROPRIATIONS FOR RUNAWAY AND HOMELESS YOUTH ACT

This section reauthorizes the Runaway and Homeless Youth Act at its current level of funding for fiscal year 1997, and for such sums as may be necessary for fiscal years 1998, 1999, and 2000.

SECTION 104. REPEALS

This section repeals the special study and report contained in section 409 of the JJDPA. This section also repeals title V of JJDPA. There is no evidence that some of the seven purposes for which these grants are effective in preventing or punishing youth violence. In addition, title V requires localities which obtain these grants to adhere to the mandates of section 223 of the Act, mandates unrelated to punishing or preventing youth violence. This is an example of a program that has led OJJDP to focus on the mandates at the expense of finding out how to stop the skyrocketing rates of youth violence around the Nation. The Committee is also concerned that the research in the program funded by title V is not innovative, and therefore should not take up such a large proportion of OJJDP's discretionary grant dollars, and has concerns about the means by which technical assistance is provided under this program. It believes these funds could be better used for researching and evaluating issues and programs in preventing and punishing youth violence, as well as in providing technical assistance and data collection.

SECTION 201. ANTI-DRUG ABUSE ACT OF 1988

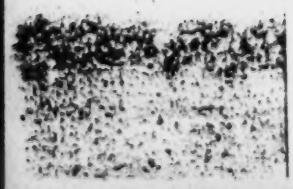
This section repeals subtitles B and C of title III of the Anti-Drug Abuse Act of 1988. These subtitles authorized programs for drug abuse education and prevention programs relating to youth gangs and runaway youth and provided definitions for terms used therein. These programs have not been demonstrated to be effective. This section also eliminates section 7295 of the Act, which required an evaluation of certain issues by the Comptroller General in 1989.

SECTION 202. VICTIMS OF CHILD ABUSE ACT OF 1990

This section reauthorizes the Victims of Child Abuse Act of 1990 through fiscal year 2000. This section eliminates the language contained in section 223(a) that refers to national organizations because testimony received by the Committee suggests that this is an inappropriate earmark. However, the entity that is the subject of the existing earmark is eligible to compete on a level playing field with other applicants for NIJJDP research and evaluation grants and contracts. This section requires NIJJDP to make grant and contract awards under the Victims of Child Abuse Act in accord with the scientific standards established in sections 244, 299B, and 299E of title II of JJDPA.

SECTION 301. STUDY AND REPORT BY THE NATIONAL ACADEMY OF SCIENCES

This section requires the Attorney General to enter into a contract with the National Academy of Sciences concerning the efficacy of the mandates relating to status offenders, separation, jail removal, and minority overrepresentation in reducing juvenile crime and violence, and in the safety of children in the juvenile justice system. The study shall also examine the status of research into youth violence, issues and topics in youth violence that merit further research, methodological approaches to evaluate the effective-



ness of youth violence prevention efforts, the efficacy of Federal and State efforts to control youth violence, and an appropriate agenda and budget for continuing research on the problem of youth violence to be administered by the Attorney General. This section requires that within 12 months after the enactment of this legislation, the Attorney General shall submit a report to Congress describing the results of the study, and shall make this report available to the public.

SECTION 302. TECHNICAL AND CONFORMING AMENDMENTS

This section makes technical and conforming amendments to the Juvenile Justice and Delinquency Prevention Act.

## VI. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, August 19, 1996.*

Hon. ORRIN G. HATCH,
*Chairman, Committee on the Judiciary,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1952, the Juvenile Justice and Delinquency Prevention Act of 1996.

Enacting S. 1952 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1952.

2. Bill title: Juvenile Justice and Delinquency Prevention Act of 1996.

3. Bill status: As reported by the Senate Committee on the Judiciary on August 1, 1996.

4. Bill purpose: S. 1952 would make many changes and additions to the federal laws relating to juvenile crime and delinquency prevention programs. The bill would authorize the appropriation of:

$160 million for each of the fiscal years 1997 through 2000 to the Department of Justice to carry out programs for controlling juvenile crimes and preventing juvenile delinquency;

$69 million for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2000 to the Department of Health and Humans Services to make grants for runaway and homeless youth programs;

$15 million for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2000 to the Department of Justice to children's advocacy centers;

$5 million for fiscal year 1997 and such sums as may be necessary for each of the fiscal years 1998 through 2000 to the De-

partment of Justice to make grants for technical assistance and training programs relating to child abuse cases; and

$600,000 for fiscal year 1997 to the Department of Justice for a study on juvenile crime.

5. Estimated cost to the Federal Government: Assuming appropriation of the authorized amounts, CBO estimates that enacting S. 1952 would result in costs to the Federal Government of about $1 billion over the 1997–2002 period. The following table summarizes the estimated budgetary effects of S. 1952, both with and without adjustments for inflation for years in which the authorized amounts are not specified.

[By fiscal year, in millions of dollars]

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---|---|---|---|---|---|---|---|
| SPENDING SUBJECT TO APPROPRIATION | | | | | | | |
| Spending under current law: | | | | | | | |
| Budget authority | 170 | ..... | ..... | ..... | ..... | ..... | ..... |
| Estimated outlays | 105 | 65 | 60 | 9 | ..... | ..... | ..... |
| WITH ADJUSTMENT FOR INFLATION | | | | | | | |
| Proposed changes: | | | | | | | |
| Estiamted authorization level | ..... | 250 | 251 | 254 | 257 | ..... | ..... |
| Estimated outlays | ..... | 50 | 171 | 242 | 254 | 205 | 80 |
| Projected spending under S. 1952: | | | | | | | |
| Estimated authorization level [1] | 170 | 250 | 251 | 254 | 257 | ..... | ..... |
| Estimated outlays | 105 | 115 | 231 | 251 | 254 | 205 | ..... |
| WITHOUT ADJUSTMENT FOR INFLATION | | | | | | | |
| Proposed changes: | | | | | | | |
| Estimated authorization level | ..... | 250 | 249 | 249 | 249 | ..... | ..... |
| Estimated outlays | ..... | 50 | 170 | 240 | 249 | 199 | 79 |
| Projected spending under S. 1952: | | | | | | | |
| Estimated authorization level [1] | 170 | 250 | 249 | 249 | 249 | ..... | ..... |
| Estimated outlays | 105 | 115 | 230 | 249 | 249 | 199 | 79 |

[1] The 1996 level is the amount appropriated for that year.

The costs of this bill fall within budget functions 500 and 750.

6. Basis of estimate: For the purpose of this estimate, CBO assumes that all amounts authorized by the bill for 1997 and all estimated amounts for 1998 through 2000 will be appropriated and that outlays will occur at historical rates for the authorized activities. "Such sums" authorizations were estimated by extending, both with and without adjustment for inflation, the 1967 authorization provided in the bill.

7. Pay-as-you-go considerations: None.

8. Estimated impact on state, local, and tribal governments: S. 1952 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) and would not impose costs on State, local, or tribal governments. The bill would authorize $70 million annually for fiscal year 1997 through 2000 for State juvenile justice formula grants. It would also authorize $69 million in 1997 and similar amounts from 1998 through 2000 for grants to public and private entities for runaway and homeless youth programs. S. 1952 would make a number of changes to juvenile justice grant provisions, limiting the use of certain funds and revising conditions of assistance for state and local governments. The Unfunded Mandates Reform Act of 1995 ex-

cludes such conditions of Federal assistance from the definition of an intergovernmental mandate.

The bill would remove evaluation programs and technical implementation assistance from acceptable uses of grant funds. It would also require that if less than $75 million is appropriated for juvenile justice programs, an individual State's allocation shall be between $325,000 and $400,000, provided no other state's allocation would fall below its 1996 level.

In order for States to qualify for Federal assistance, current law requires them to submit a three-year plan outlining details of juvenile justice programs and providing for continuing evaluation. Under S. 1952, such plans would no long have to include the formation of an advisory group, governmental distribution guidelines, and privacy assurances. In addition, the bill would narrow the focus of programs that receive most juvenile justice funding under such plans to those dealing with community-based alternatives to incarceration, drug and alcohol treatment, juvenile court reform, and crisis intervention.

9. Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in Public Law 104–4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Mark T. Grabowicz. Impact on State, Local, and Tribal Governments: Leo Lex. Impact on the Private Sector: Matthew Eyles.

12. Estimate approved by: Robert A. Sunshine, for Paul N. Van de Water, Assistant Director for Budget Analysis.

## VIII. Regulatory Impact Statement

The accordance with paragraph 11(b), rule XXVI of the Standing Rule of the Senate, the Committee, after due consideration, concludes that the act will not have significant regulatory impact.

## VIII. ADDITIONAL VIEWS OF MESSRS. KENNEDY AND FEINGOLD

We commend Senator Thompson and Senator Biden for their hard work in crafting a bill to reauthorize the Juvenile Justice Act. It is clear that they have given considerable thought and attention to this vexing problem of juvenile justice.

Although the bill was favorably reported out of the committee without a rollcall vote, we have a number of concerns about this measure. In its present form, we would be unable to support this measure on the Senate floor.

Most importantly, we have serious concerns about the effect of this bill on delinquency prevention and drug treatment initiatives. The elimination of categorical prevention programs under title V will likely result in the loss of a number of very important programs. For example, in Boston, the "New Generations Collaborative" is an after-school prevention program funded under title V. Under this program, at risk inner-city teens spend the after school hours in a structured setting where they learn the core values that will enable them to become productive adults. This program keeps them off the streets, and teaches them important skills. A similar program for at risk teenage girls in Montague, MA, has been equally successful at reducing teen pregnancy and juvenile delinquency.

Under this reauthorization bill, it will be much more difficult for these programs, and others across the Nation, to receive funding. Given the new focus of the bill, some States may choose to devote significant amounts of their OJJDP block grant funds for purposes other than real, primary prevention efforts.

Prevention initiatives are already underfunded, as congressional appropriators have adopted a punitive approach to criminal justice. For example, congressional appropriators have refused to fund a number of prevention initiatives that were part of the 1994 crime bill. The Juvenile Justice Act is one of the only vehicles through which prevention programs are funded, and we are concerned that this source will dry up under this reauthorization proposal. Although we acknowledge the need for evaluations of existing programs, we do not understand the reasoning behind eliminating the few remaining prevention programs this Congress has chosen to fund in order to start over at square one with a research approach.

We are also concerned with the bill's lack of a pass-through provision to ensure that funds filter down to the local level. The lack of language ensuring that Indian tribes will receive crime prevention funding is equally troubling.

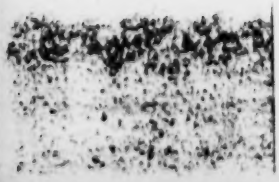
Further, we are concerned that the bill repeals section 223(a)(19). This section provides important collective bargaining and job protection rights for State juvenile justice and youth services workers. It requires that grant recipients, as a condition of program eligibility, make fair and equitable arrangements for juvenile justice

workers who will be employed under the terms of the grant. In particular, it guarantees workers collective bargaining rights in those States which do not have comprehensive labor relations laws for public sector employees.

The repeal of this provision would immediately jeopardize the collective bargaining rights of many thousands of juvenile justice workers. There is no evidence that this provision has posed an unreasonable burden upon States. We would be unable to support passage of a juvenile justice reauthorization bill that repeals this important worker protection provision. We look forward to working with Senators Biden and Thompson to ensure that these important worker protection provisions are retained.

We have a number of other concerns about the bill, and we look forward to working with Senator Thompson and Senator Biden to resolve them. We appreciate the efforts of Senator Thompson and Senator Biden in advancing this Congress' debate on the critical issue of juvenile justice.

RUSS FEINGOLD.
TED KENNEDY.



## IX. ADDITIONAL VIEWS OF MR. KOHL

Senator Thompson and Senator Biden should be commended for trying to accomplish what appears to be impossible: crafting a bipartisan juvenile justice bill in an election year. At a time when some have called for eliminating the Federal role in juvenile justice and others have called for merely preserving the status quo, this bill arrives at a relatively moderate position. Moreover, the proposal recognizes that times have changed since Congress wrote the Juvenile Justice Act in 1974. Back then, it was designed to protect juveniles from abusive prisons and police. This bill, however, properly recognizes that today we also need to emphasize protecting the community from violent juveniles. So there is much in this bill that we should support.

For example, it is good to see that law enforcement has been given more flexibility in dealing with the growing problem of juvenile crime. Too often in the past, we have bound police hands with redtape restrictions that did little to protect juveniles, but did much to interfere with public safety. Moreover, this bill dramatically increases funding for research and evaluation so that the Federal Government can get serious about determining which prevention programs work and which do not. And, finally, the bill helps providers of services for runaway and homeless youth continue their important work. For these reasons, I supported moving this bill out of the Judiciary Committee.

Nevertheless, some parts of this bill remain troublesome and other issues remain unaddressed. We must work to see changes in these areas before final passage.

First, at a time when the Appropriations Committee has *defunded* numerous crime prevention programs, this bill *eliminates* the few prevention programs that the Appropriations committee *is* willing to fund. In place of these programs, the bill offers two large block grants—one for crime prevention *or* graduated sanctions and the other for research/evaluation *or* demonstration projects. The bottom line, then, is that if a State does not want to spend money on programs that help young people *before* they enter the juvenile justice system it can avoid doing so whether or not these programs work. I am particularly concerned about the elimination of the Local Incentive Grants in title V. The General Accounting Office recently gave this program a positive evaluation, and it is preserved by the House version of this measure, so we ought to save it here.

The Committee Report properly points out that "[e]very witness told the Subcommittee that early intervention and prevention efforts are necessary." The Report specifically notes that distinguished criminologists like Prof. Alfred Blumstein, Dr. John Diliulio, and Dean James Alan Fox, along with juvenile justice experts like Judge Carol Kelly and Judge Kenneth Turner, all agreed

on the need for crime prevention efforts because, in the words of Professor Diliulio, "incarceration is not the answer." Finally, the Report concludes that "early intervention" is essential because "by the time the chronic offenders are identified through their actions, the likelihood of successful intervention is low.'

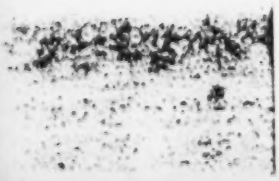
Just a few pages later, however, the Report suggests that the witnesses were only able to cite "a few OJJDP-funded programs" that had been evaluated and found to be effective. In a still later section, the Report then disparages *all* of the prevention programs currently funded by the Office of Juvenile Justice and Delinquency Prevention, thereby justifying the bill's elimination of these programs. Somehow, the Committee moved from agreeing with the experts that prevention was needed, to stating that only a few programs work, to disparaging—and defunding—*all* prevention programs in the Juvenile Justice and Delinquency Prevention Act.

There is no question that there is much more we need to know and Senator Cohen and I have introduced bipartisan legislation that would require that a small portion of every prevention grant go toward independent evaluation. But given the unanimous recognition that we need prevention, and that fact that *some* prevention programs do, in fact, work, why are we simultaneously eliminating all of the targeted prevention programs in this legislation? Do doctors suspend all AIDS treatments while the National Institute of Health continues their studies? If we recognize—as this Committee does—that some prevention programs work, why shouldn't we fund those programs?

Second, in my opinion we ought to use this measure as a vehicle to do something about juvenile records. That does not mean that we should make all these records public, of course, but we should make sure that the records for the most violent juveniles are accessible to police and courts, can be obtained by other States, and do not magically disappear when a young criminal happens to turn 18. Moreover, if we can come up with something as a Committee, it will help us preempt less thoughtful, more punitive proposals down the road.

Finally, this bill does not deal with what many of our expert witnesses told the Youth Violence Subcommittee lay at the heart of growing youth violence: kids getting—and using—guns. While the report recognizes the conclusions of Professor Fox and Professor Blumstein that the rise in teen murders over the last decade is largely due to the proliferation of guns, the legislation does not directly address the problem at all. At the very least, a thorough juvenile justice reauthorization would restore the Gun-Free School Zones law, which the Supreme Court struck down last year in the *Lopez* decision.

In sum, while I commend the authors for their hard work on this measure, I remain concerned that this legislation abandons crime prevention efforts at a critical time in our Nation's history. All of our witnesses told us that if we want to avoid staggering crime problems in the near future, we must intervene *now* with the 39 million American children under the age of ten. Instead of following this sensible course, S. 1952 abandons current programs in favor of years of more research. We do not have time for this wait-and-see approach: we must, as we do in all other areas of Govern-



ment action, fund what works while continuing the search for more effective programs.

## X. CHANGES IN EXISTING LAW

In compliance with paragraph 12, rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no changes is proposed is shown in roman):

# UNITED STATES CODE

* * * * * * *

## Title 5—Government Organization and Employees

* * * * * * *

### CHAPTER 53—PAY RATES AND SYSTEMS

* * * * * * *

### Subchapter II—Executive Schedule Pay Rates

* * * * * * *

**§ 5315. Positions at level IV**

Level IV of the Executive Schedule applies to the following positions, for which annual rate of basic pay shall be the rate determined with respect to such level under chapter II of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

* * * * * * *

Chairman, Board of Veterans' Appeals.

[Administrator, Office of Juvenile Justice and Delinquency Prevention.]

Director, United States Marshals Service.

* * * * * * *

## TITLE 18—CRIMES AND CRIMINAL PROCEDURE

* * * * * * *

## PART III—PRISONS AND PRISONERS

* * * * * * *

## CHAPTER 319—NATIONAL INSTITUTE OF CORRECTIONS

* * * * * * *

### § 4351. Establishment; Advisory Board; appointment of members; compensation; officers; committees; delegation of powers; Director, appointment and powers

(a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Chairman of the United States Parole Board or his designee, the Director of the Federal Judicial Center or his designee, the Associate Administrator for the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction* or his designee, and the Assistant Secretary for Human Development of the Development of the Department of Health, Education, and Welfare or his designee.

* * * * * * *

# TITLE 39—POSTAL SERVICE

* * * * * * *

## PART IV—MAIL MATTER

* * * * * * *

## CHAPTER 32—PENTLTY AND FRANKED MAIL

* * * * * * *

### § 3220. Use of official mail in the location and recovery of missing children

(A)(1) The [Office of Juvenile Justice and Delinquency Prevention], *Office of Youth Violence Reduction* after consultation with appropriate public and private agencies, shall prescribe general guidelines under which penalty mail may be used to assist in the location and recovery of missing children. The guidelines shall provide information relating to—

* * * * * * *

(c) As used in this section, "[Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*" and "Office" each means the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction* within the Department of Justice, as established by section 201 of the Juvenile Justice and Delinquency Prevention Act of 1984.

* * * * * * *

# TITLE 42—THE PUBLIC HEALTH AND WELFARE

* * * * * * *

## CHAPTER 7—SOCIAL SECURITY

* * * * * * *

### Subchapter IV—Grants to States for Aid and Services to Needy Families With Children and for Child-Welfare Services

* * * * * * *

## PART D—CHILD SUPPORT AND ESTABLISHMENT OF PATERNITY

* * * * * * *

### § 663. Use of Parent Locator Service in connection with enforcement or determination of child custody in cases of parental kidnaping of child

**(a) Agreements with States for use of Parent Locator Service**

* * * * * * *

**(f) Agreement to assist in locating missing children under Parent Locator Service**

The Secretary shall enter into an agreement with the Attorney General of the United States, under which the services of the Parent Locator Service established under section 653 of this title shall be made available to the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction* upon its request to locate any parent or child on behalf of such Office for the purpose of—

* * * * * * *

## CHAPTER 46—LAW ENFORCEMENT ASSISTANCE AND CRIMINAL JUSTICE

* * * * * * *

### Subchapter I—Law Enforcement Assistance Administration

* * * * * * *

### § 3712. Duties and functions of Assistant Attorney General

**(a) Specific, general and delegated powers**

The Assistant Attorney General shall—

(1) publish and disseminate information on the conditions and progress of the

* * * * * * *

(5) provide staff support to coordinate the activities of the Office and the Bureau of Justice Assistance, the National Insti-

tute of Justice, the Bureau of Justice Statistics, and the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*; and

* * * * * * *

## Subchapter VIII—Administrative Provisions

* * * * * * *

### § 3782. Rules, regulations, and procedures; consultations and establishment

**(a) General authorization of certain Federal agencies**

The Office of Justice Programs, the Bureau of Justice Assistance, the [Office of Juvenile Justice and Delinquency Prevention], *Office of Youth Violence Reduction*, the Bureau of Justice Statistics and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purposes of this chapter.

**(b) Continuing evaluation of selected programs or projects; cost, effectiveness, impact value, and comparative considerations; annual performance report; assessment of activity effectiveness; suspension of funds for nonsubmission of report; reasons in detail for action with hearing**

The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to subchapter IV, V, XII–A, XII–B, and XII–C of this chapter, in order to determine—

* * * * * * *

### § 3785. Appellate court review.

**(a) Jurisdiction of court of appeals; petition for review; time for filing, copies; record; objection before appropriate agency**

If any applicant or recipient is dissatisfied with a final action with respect to section 3783, 3784, or 3789d(c)(2)(G) of this title, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or the Na-

tional Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of Title 28. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or the National Institute of Justice, as appropriate.

**(b) Determination by court of appeals; conclusiveness of findings; remand; conclusiveness of new or modified findings**

The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Programs, Bureau of Justice Assistance, the National Institute of Justice, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as whole is considered.

**(c) Determination by court of appeals; Supreme Court review**

Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Programs, Bureau of Justice Assistance, the Bureau of Justice Statistics, the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or the National Institute of Justice, or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of Title 28.

**§ 3786. Delegation of functions**

The Attorney General, the Assistant Attorney General, the Director of the National Institute of Justice, the Director of the Bureau of Justice Statistics, the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, and the Director of the Bureau of Justice Assistance may delegate to any of their respective officers or employees such functions under this chapter as they deem appropriate.

### § 3789i. Administration of juvenile delinquency programs

The Director of the National Institute of Justice and the Director of the Bureau of Justice Statistics shall work closely with the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, in developing and implementing programs in the juvenile justice and delinquency prevention filed.

* * * * * * *

## Subchapter XIII—Transition; Effective Date; Repealer

### § 3797. Continuation of rules, authorities, and proceedings

**(a) Continuing status until otherwise affected**

(1) All orders, determinations, rules, regulations, and instructions of the Law Enforcement Assistance Administration which are in effect on December 27, 1979, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President or the Attorney General, the Office of Justice Assistance, Research, and Statistics or the Director of the Bureau of Justice Statistics, the National Institute of Justice, or the Administrator of the Law Enforcement Assistance Administration with respect to their functions under this chapter or by operation of law.

(2) All orders, determinations, rules, regulations, and instructions issued under this chapter which are in effect on October 12, 1984, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Attorney General, the Assistant Attorney General, the Director of the Bureau of Justice Statistics, the Director of the National Institute of Justice, the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*, or the Director of the Bureau of Justice Assistance with respect to their functions under the chapter or by operation of law.

* * * * * * *

# CHAPTER 67—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM

* * * * * * *

## Subchapter VI—Child Abuse Crime Information and Background Checks

* * * * * * *

### § 5119. Reporting child abuse crime information

**(a) In general**

In each State, an unauthorized criminal justice agency of the State shall report child abuse crime information to, or index child abuse crime information in, the national criminal history background check system. A criminal justice agency may satisfy the re-

quirement of this subsection by reporting or indexing all felony and serious misdemeanor arrests and dispositions.

* * * * * * *

**(b) Study of child abuse offenders**

(1) Not later than 180 days after December 20, 1993, the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction* shall begin a study based on a statistically significant sample of convicted child abuse offenders and other relevant information to determine—

* * * * * * *

## JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

(Public Law 93–415; 88 Stat. 1109)

[As Amended Through P.L. 104–18, July 7, 1995]

* * * * * * *

### TITLE I—FINDINGS AND DECLARATION OF PURPOSE

#### FINDINGS

[SEC. 101. (a) The Congress hereby finds that—

[(1) juveniles accounted for almost half the arrests for serious crimes in the United States in 1974 and for less than one-third of such arrests in 1983;

[(2) recent trends show an upsurge in arrests of adolescents for murder, assault, and weapon use;

[(3) the small number of youth who commit the most serious and violent offenses are becoming more violent;

[(4) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized justice or effective help;

[(5) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of children, who, because of this failure to provide effective services, may become delinquents;

[(6) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

[(7) juvenile delinquency can be reduced through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

[(8) State and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

[(9) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency;

[(10) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation;

[(11) emphasis should be placed on preventing youth from entering the juvenile justice system to begin with; and

[(12) the incidence of juvenile delinquency can be reduced through public recreation programs and activities designed to provide youth with social skills, enhance self esteem, and encourage the constructive use of discretionary time.

[(b) Congress finds further that the high incidence of delinqency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

[PURPOSE

[SEC. 102. (a) It is the purpose of this Act—

[(1) to provide for the thorough and ongoing evaluation of all federally assisted juvenile justice and delinquency prevention programs;

[(2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;

[(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

[(4) to establish a centralized research effort on the problems of juvenile delinquency, including the dissemination of the findings of such research and all data related to juvenile delinquency;

[(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

[(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

[(7) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;

[(8) to strengthen families in which juvenile delinquency has been a problem;

[(9) to assist State and local governments in removing juveniles from jails and lockups for adults;

***SEC. 101. FINDINGS.***

*The Congress finds that—*

*(1) recent statistics show a 60 percent increase in murders committed by juveniles since 1884;*

*(2) youth who commit the most serious and violent offenses are becoming more violent, younger offenders are engaging in more violent acts, and the number of violent youth offenders has tripled since 1985;*

*(3) understaffed, overcrowded juvenile courts, prosecutorial and public defender offices, probation services, and correctional facilities and inadequately trained staff in such courts, services, and facilities are not able to provide individualized punishment or effective help;*

*(4) if recent violent crime rate trends continue, based on the projected growth of the teenage population during the next decade, youth violence will increase dramatically unless new, effective prevention and control strategies are developed and implemented;*

*(5) illegitimacy, the decline of marriage, welfare dependence, and youth violence are closely interrelated;*

*(6) there is a correlation between child abuse and neglect and delinquency and violence;*

*(7) child abuse has increased as the number of babies born to drug-using parents has increased, and children of these parents are at great risk of becoming violent;*

*(8) child welfare agencies fail to break the cycle between abuse and delinquency;*

*(9) State and local communities that experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;*

*(10) the juvenile justice system has failed to protect the public from violent youths, particularly because a system of certain and graduated punishment is often absent;*

*(11) existing programs have not adequately reduced the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs;*

*(12) existing Federal programs have not fully provided the research and evaluation necessary to determine which programs designed to prevent youth violence are effective, nor have they led to the most effective dissemination of information regarding effective programs;*

*(13) prevention and intervention are more likely to be effective when directed toward younger children before they commit any offenses;*

*(14) mandates on States under the Juvenile Justice and Delinquency Prevention Act of 1974 have been administered in too inflexible a manner, and have made the Act too focused on issues unrelated to preventing or punishing youth violence;*

*(15) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes and should give greater attention to halting early acts of juvenile delinquency;*

*(16) the high incidence of youth violence in the United States results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources; and*

*(17) youth violence constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent youth violence.*

***SEC. 102. PURPOSES.***

*(a) PURPOSES.—It is the purpose of this Act—*

*(1) to provide for the thorough and ongoing scientific evaluation of all federally assisted juvenile justice and delinquency prevention programs ad research into effective means of preventing youth violence;*

*(2) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs;*

*(3) to establish a centralized research and evaluation effort on the problems of youth violence, including the dissemination of the findings of such research and all data related to youth violence;*

*(4) to establish a Federal assistance program to deal with the problems of runaway and homeless youth;*

*(5) to assist State and local governments in improving the administration of justice and services for juveniles who enter the system;*

*(6) to assist States and local communities to prevent youth from becoming violent offenders; and*

*(7) to assist State and local governments in punishing and controlling violent youth offenders.*

*(b) STATEMENT OF POLICY.—It is the policy of the Congress to provide the necessary resources, leadership, and coordination—*

*(1) to develop and implement effective methods of preventing and reducing youth violence;*

*(2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization;*

*(3) to improve the quality of juvenile justice in the United States;*

*(4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention;*

*(5) to encourage parental involvement in treatment and alternative disposition programs;*

*(6) to provide for coordination of services between State, local, and community-based agencies and to promote interagency cooperation in providing such services; and*

*(7) to impose punishments, sanctions, an control upon youth offenders.*

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) * * *

* * * * * * * *

(4)(A) the term "Bureau of Justice Assistance" means the bureau established by section 401 of *title I of* the Omnibus Crime Control and Safe Streets Act of 1968;

* * * * * * * *

(19) the term "comprehensive and coordinated system of services" means a system that—

[(A) ensures that services and funding for the prevention and treatment of juvenile delinquency are consistent with policy goals of preserving families and providing appropriate services in the least restrictive environment so as to simultaneously protect juveniles and maintain public safety;]

[(B)] *(A)* identifies, and intervenes early for the benefit of, young children who are at risk of developing emotional or behavioral problems because of physical or mental stress or abuse, and for the benefit of their families;

[(C)] *(B)* increases interagency collaboration and family involvement in the prevention and treatment of juvenile delinquency; and

[(D)] *(C)* encourages private and public partnerships in the delivery of services for the prevention and treatment of juvenile delinquency;

* * * * * * * *

(22) the term "jail or lockup for adults" means a locked facility that is used by a State, unit of local government, or any law enforcement authority to detain or confine adults—

[(i)] *(A)* pending the filing of a charge for violating a criminal law;

[(ii)] *(B)* awaiting trial on a criminal charge; or

[(iii)] *(C)* convicted of violating a criminal law; and

* * * * * * * *

## TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

### PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby established an [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction* (hereinafter in this division referred to as the "Office") within the Department of Justice under the general authority of the Attorney General.

[(b) The Office shall be headed by an Administrator (hereinafter in this title referred to as the "Administrator") appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice pro-

grams. The Administrator is authorized to prescribe regulations consistent with this Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title. The Administrator shall have the same reporting relationship with the Attorney General as the directors of other offices and bureaus within the Office of Justice Programs have.

[(c) There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator may from time to time assign or delegate and shall act as the Administrator during the absence or disability of the Administrator.]

*(b) ADMINISTRATOR.—The Office shall be headed by an Administrator (hereinafter in this title referred to as the "Administrator") who—*

*(1) shall—*

*(A) be a career appointee (as that term is defined in section 3132(a)(4) of title 5, United States Code) having experience in juvenile justice programs; and*

*(B) report to the head of the Office of Justice Programs; and*

*(2) may prescribe regulations consistent with his Act to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under this title.*

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a)(1) The Administrator shall develop objectives, priorities, and a long-term plan, and implement overall policy and a strategy to carry out such plan, for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States[. In carrying out the functions of the Administrator, the Administrator shall consult with the Council.], *and shall submit such plan to the Congress.*

* * * * * * *

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile deliquency programs and Federal policies regarding juvenile delinquency; *and*

[(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives the Administrator establishes;

[(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs

and activities supplementary to or in lieu of those currently being administered;

[(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which the Administrator determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

[(5)(A) develop for each fiscal year, and publish annually in the Federal Register for public comment, a proposed comprehensive plan describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D; and

[(B) taking into consideration comments received during the 45-day period beginning on the date the proposed plan is published, develop and publish a final plan, before December 31 of such fiscal year, describing the particular activities which the Administrator intends to carry out under parts C and D in such fiscal year, specifying in detail those activities designed to satisfy the requirements of parts C and D;

[(6) provide for the auditing of monitoring systems required under section 223(a)(15) to review the adequacy of such systems; and

[(7) not later than 1 year after the date of the enactment of this paragraph, issue model standards for providing health care to incarcerated juveniles.]

*(2) reduce duplication among Federal juvenile deliquency programs and activities conducted by Federal departments and agencies.*

* * * * * * *

[(h)] *(f)* All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III of this Act.

[(i)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under subsection (c).]

* * * * * * *

[SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Office of National Drug Control Policy, the Chief Executive Officer of the Corporation for National and Community Service, the Commissioner of Immigration and Naturalization, such other officers of Federal agencies who hold signifi-

cant decisionmaking authority as the President may designate, and individuals appointed under paragraph (2).

[(2)(A) Nine members shall be appointed, without regard to political affiliation, to the Council in accordance with this paragraph from among individuals who are practitioners in the field of juvenile justice and who are not officers or employees of the United States.

[(B)(i) Three members shall be appointed by the Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives.

[(ii) Three members shall be appointed by the majority leader of the Senate, after consultation with the minority leader of the Senate.

[(iii) Three members shall be appointed by the President.

[(C)(i) Of the members appointed under each of clauses (i), (ii), and (iii)—

[(I) 1 shall be appointed for a term of 1 year;

[(II) 1 shall be appointed for a term of 2 years; and

[(III) 1 shall be appointed for a term of 3 years; as designated at the time of appointment.

[(ii) Except as provided in clause (iii), a vacancy arising during the term for which an appointment is made may be filled only for the remainder of such term.

[(iii) After the expiration of the term for which a member is appointed, such member may continue to serve until a successor is appointed.

[(b) The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

[(c)(1) The function of the Council shall be to coordinate all Federal juvenile delinquency programs (in cooperation with State and local juvenile justice programs) all Federal programs and activities that detain or care for unaccompanied juveniles, and all Federal programs relating to missing and exploited children. The Council shall examine how the separate programs can be coordinated among Federal, State, and local governments to better serve at-risk children and juveniles and shall make recommendations to the President and to the Congress at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities and all Federal programs and activities that detain or care for unaccompanied juveniles. The Council shall review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of paragraphs (12)(A), (13), and (14) of section 223(a) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council. The Council shall review the reasons why Federal agencies take juveniles into custody and shall make recommendations regarding how to im-

prove Federal practices and facilities for holding juveniles in custody.

[(2) In addition to performing their functions as members of the Council, the members appointed under subsection (a)(2) shall collectively—

[(A) make recommendations regarding the development of the objectives, priorities, and the long-term plan, and the implementation of overall policy and the strategy to carry out such plan, referred to in section 204(a)(1); and

[(B) not later than 180 days after the date of the enactment of this paragraph, submit such recommendations to the Administrator, the Chairman of the Committee on Education and Labor of the House of Representatives, and the Chairman of the Committee on the Judiciary of the Senate.

[(d) The Council shall meet at least quarterly.

[(e) The Administrator shall, with the approval of the Council, appoint such personnel or staff support as the Administrator considers necessary to carry out the purposes of this title.

[(f) Members appointed under subsection (a)(2) shall serve without compensation. Members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

[(g) Of sums available to carry out this part, not more than $200,000 shall be available to carry out this section.]

ANNUAL REPORT

SEC. [207] *206*. Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains the following with respect to such fiscal year:

(1) * * *

* * * * * * *

(2) A description of the activities for which funds are expended under this part[, including the objectives, priorities, accomplishments, and recommendations of the Council].

(3) A description, based on the most recent data available, of the extent to which each State complies with section 223 [and with the plan submitted under such section by the State for such fiscal year].

[(4) A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.]

[(5)] (*4*) A description of selected [exemplary] *scientifically evaluated and demonstrated effective* delinquency prevention programs for which assistance is provided under this title, with particular attention to community-based juvenile delinquency prevention programs that involve and assist families of juveniles.

## PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

### AUTHORITY TO MAKE GRANTS AND CONTRACTS

SEC. 221. (a) The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, [coordinating, and evaluating] *and coordinating* projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

(b)(1) With not to exceed 2 percent of the funds available in a fiscal year to carry out this part, the Administrator shall make grants to and enter into contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local governments (and combinations thereof), and local private agencies to facilitate compliance with section 223 [and implementation of the State plan approved under section 223(c)].

(2) Grants and contracts may be made under paragraph (1) only to public and private agencies, organizations, and individuals that have experience in providing such technical assistance. [In providing such technical assistance, the recipient of a grant or contract under this subsection shall coordinate its activities with the State agency described in section 299(c)(1).]

### ALLOCATION

SEC. 222. (a)(1) Subject to paragraph (2) and in accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen.

[(2)(A) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title [(other than parts D and E)] is less than $75,000,000, then the amount allocated to each State for such fiscal year shall be not less than $325,000, or such greater amount[, up to $400,000,] *up to $400,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year [1992] *1996*, except that the amount allocated to the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $75,000, or such greater amount[, up to $100,000,] *up to $100,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year [1992] *1996*, each.

(B) Subject to paragraph (3), if the aggregate amount appropriated for a fiscal year to carry out this title [(other than part D)] equals or exceeds $75,000,000, then the amount allocated to each State for such fiscal year shall be not less than $400,000, [or such greater amount, up to $600,000, as is available to be allocated if appropriations have been enacted and made available to carry out parts D and E in the full amounts authorized by section 299(a) (1) and (3)] except that the amount allocated to the Virgin Islands of

the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands shall be not less than $100,000, or such greater amount[, up to $100,000,] *up to $100,000* as is available to be allocated without reducing the amount of any State or territory's allocation below the amount allocated for fiscal year [1992] *1996*, each.

(3) If, as a result of paragraph (2), the amount allocated to a State for a fiscal year would be less than the amount allocated to such State for fiscal year [1992] *1996*, then the amounts allocated to satisfy the requirements of such paragraph shall be reduced pro rata to the extent necessary to [allot] *allocate* to such State for the fiscal year the amount allocated to such State for fiscal year [1992] *1996*.

* * * * * * *

[(d) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allocation to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act.]

STATE PLANS

[SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs and challenge activities subsequent to State participation in part E. The State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

[(1) designate the State agency described in section 299(c)(1) as the sole agency for supervising the preparation and administration of the plan;

[(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

[(3) provide for an advisory group, which—

[(A) shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the State—

[(i) which members have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice;

[(ii) which members include—

[(I) at least 1 locally elected official representing general purpose local government;

[(II) representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

[(III) representatives of public agencies concerned with delinquency prevention or treatment, such as welfare, social services, mental health, education, special education, recreation, and youth services;

[(IV) representatives of private nonprofit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

[(V) volunteers who work with delinquents or potential delinquents;

[(VI) youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

[(VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

[(VIII) persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence;

[(iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, State, or local government;

[(iv) at least one-fifth of which members shall be under the age of 24 at the time of appointment; and

[(v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system;

[(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

[(C) shall be afforded the opportunity to review and comment, not later than 30 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the State agency designated under paragraph (1);

[(D) shall, consistent with this title—

[(i) advise the State agency designated under paragraph (1) and its supervisory board;

[(ii) submit to the chief executive officer and the legislature of the State at least annually recommendations regarding State compliance with the requirements of paragraphs (12), (13), and (14) and with progress relating to challenge activities carried out pursuant to part E; and

[(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

[(E) may, consistent with this title—

[(i) advise on State supervisory board and local criminal justice advisory board composition;

[(ii) review progress and accomplishments of projects funded under the State plan.

[(4) provide for the active consultation with and participation of units of general local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of local governments, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

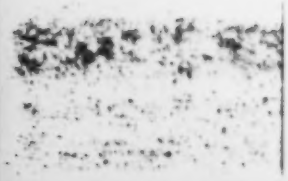
[(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made available to the state advisory group under section 222(d), shall be expended—

[(A) through programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan;

[(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof; and

[(C) to provide funds for programs of Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior) and that agree to attempt to comply with the requirements specified in paragraphs (12)(A), (13), and (14), applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age.

[(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the



purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

[(7) provide for an equitable distribution of the assistance received under section 222 within the State;

[(8)(A) provide for (i) an analysis of juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) within the relevant jurisdiction (including any geographical area in which an Indian tribe performs law enforcement functions), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the jurisdiction; (ii) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (iii) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

[(B) contain—

[(i) an analysis of gender-specific services for the prevention and treatment of juvenile delinquency, including the types of such services available and the need for such services for females; and

[(ii) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

[(C) contain—

[(i) an analysis of services for the prevention and treatment of juvenile delinquency in rural areas, including the need for such services, the types of such services available in rural areas, and geographically unique barriers to providing such services; and

[(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

[(D) contain—

[(i) an analysis of mental health services available to juveniles in the juvenile justice system (including an assessment of the appropriateness of the particular placements of juveniles in order to receive such services) and of barriers to access to such services; and

[(ii) a plan for providing needed mental health services to juveniles in the juvenile justice system;

[(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other re-

lated programs, such as education, special education, recreation, health, and welfare within the State;

[(10) provide that not less than 75 percent of the funds available to the State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for—

[(A) community-based alternatives (including home-based alternatives) to incarceration and institutionalization, specifically—

[(i) for youth who can remain at home with assistance: home probation and programs providing professional supervised group activities or individualized mentoring relationships with adults that involve the family and provide counseling and other supportive services;

[(ii) for youth who need temporary placement: crisis intervention, shelter, and after-care; and

[(iii) for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services;

[(B) community-based programs and services to work with—

[(i) parents and other family members to strengthen families, including parent self-help groups, so that juveniles may be retained in their homes;

[(ii) juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

[(iii) parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

[(C) comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

[(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth affected by the juvenile justice system;

[(E) educational programs or supportive services for delinquent or other juveniles, provided equitably regardless of sex, race, or family income, designed to—

[(i) encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including—

[(I) education in settings that promote experiential, individualized learning and exploration of academic and career options;

[(II) assistance in making the transition to the world of work and self-sufficiency;

[(III) alternatives to suspension and expulsion; and

[(IV) programs to counsel delinquent juveniles and other juveniles regarding the opportunities that education provides; and

[(ii) enhance coordination with the local schools that such juveniles would otherwise attend, to ensure that—

[(I) the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

[(II) information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

[(F) expanded use of home probation and recruitment and training of home probation officers, other professional and paraprofessional personnel, and volunteers to work effectively to allow youth to remain at home with their families as an alternative to incarceration or institutionalization;

[(G) youth-initiated outreach programs designed to assist youth (including youth with limited proficiency in English) who otherwise would not be reached by traditional youth assistance programs;

[(H) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth;

[(I) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

[(J) programs and projects designed to provide for the treatment of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

[(K) law-related education programs (and projects) for delinquent and at-risk youth designed to prevent juvenile delinquency;

[(L) programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

[(i) a sense of safety and structure;

[(ii) a sense of belonging and membership;

[(iii) a sense of self-worth and social contribution;

[(iv) a sense of independence and control over one's life;

[(v) a sense of closeness in interpersonal relationships; and

[(vi) a sense of competence and mastery including health and physical competence, personal and social competence, cognitive and creative competence, vocational competence, and citizenship competence, including ethics and participation;

[(M) programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(i) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(ii) assist in the provision by the provision by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

[(N) programs designed to prevent and reduce hate crimes committed by juveniles, including educational programs and sentencing programs designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration; and

[(O) programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and cultural barriers that may prevent the complete treatment of such juveniles and the preservation of their families.

[(11) provide for the development of an adequate research, training, and evaluation capacity within the State;

[(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law)., or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

[(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive

alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

[(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults;

[(14) provide that, beginning after the five-year period following December 8, 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall, through 1997, promulgate regulations which make exceptions with regard to the detention of juveniles accused of nonstatus offenses who are awaiting an initial court appearance pursuant to an enforceable State law requiring such appearances within twenty-four hours after being taken into custody (excluding weekends and holidays) provided that such exceptions are limited to areas that are in compliance with paragraph (13) and—

[(A)(i) are outside a Standard Metropolitan Statistical Area; and

[(ii) have no existing acceptable alternative placement available;

[(B) are located where conditions of distance to be traveled or the lack of highway, road, or other ground transportation do not allow for court appearances within 24 hours, so that a brief (not to exceed 48 hours) delay is excusable; or

[(C) are located where conditions of safety exist (such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonably safe travel;

[(15) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A), paragraph (13), and paragraph (14) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

[(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, fam-

ily income, and mentally, emotionally, or physically handicapping conditions;

[(17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

[(18) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

[(19) provide that fair and equitable arrangements shall be made to protect the interests of employees affected by assistance under this Act and shall provide for the terms and conditions of such protective arrangements established pursuant to this section, and such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

[(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

[(B) the continuation of collective-bargaining rights;

[(C) the protection of individual employees against a worsening of their positions with respect to their employment;

[(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act; and

[(E) training or retraining programs;

[(20) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

[(21) provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(22) provide that the State agency designated under paragraph (1) will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary;

[(23) address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correc-

tional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population;

[(24) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title; and

[(25) provide an assurance that if the State receives under section 222 for any fiscal year an amount that exceeds 105 percent of the amount the State received under such section for fiscal year 1992, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services.

[(b) The State agency designated under subsection (a)(1), after receiving and considering the advice and recommendations of the advisory group referred to in subsection (a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

[(c)(1) Subject to paragraph (2), the Administrator shall approve any State plan and any modification thereof that meets the requirements of this section.

[(2) Failure to achieve compliance with the subsection (a)(12)(A) requirement within the 3-year time limitation shall terminate any State's eligibility for funding under this part for a fiscal year beginning before January 1, 1993, unless the Administrator determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 percent of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding 2 additional years.

[(3) If a State fails to comply with the requirements of subsection (a), (12)(A), (13), (14), or (23) in any fiscal year beginning after January 1, 1993—

[(A) subject to subparagraph (B), the amount allotted under section 222 to the State for that fiscal year shall be reduced by 25 percent for each such paragraph with respect to which noncompliance occurs; and

[(B) the State shall be ineligible to receive any allotment under that section for such fiscal year unless—

[(i) the State agrees to expend all the remaining funds the State receives under this part (excluding funds required to be expended to comply with section 222 (c) and (d) and with section 223(a)(5)(C)) for that fiscal year only to achieve compliance with any such paragraph with respect to which the State is in noncompliance; or

[(ii) the Administrator determines, in the discretion of the Administrator, that the State—

[(I) has achieved substantial compliance with each such paragraph with respect to which the State was not in compliance; and

[(II) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time.

[(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 802, 803, and 804 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a), excluding funds the Administrator shall make available to satisfy the requirement specified in section 222(d), available to local public and private non-profit agencies within such State for use in carrying out activities of the kinds described in subsection (a) (12)(A), (13), (14) and (23). The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with the requirements under subsection (a) (12)(A), (13), (14) and (23).]

***SEC. 223. STATE PLANS.***

*(a) IN GENERAL.—In order to be eligible to receive formula grants under this part, each State shall—*

*(1) ensure that not less than 75 percent of the funds made available to the State under section 222, whether expended directly by the State, by the unit of general local government, or by a combination thereof, or through grants and contracts with public or private nonprofit agencies, shall be used—*

*(A) for prevention and nonincarcerative intervention, including drug and alcohol treatment activities, and programs that encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between probation and confinement in a correctional facility, including graduated sanctions for youth offenders; and*

*(B) for implementing a system whereby every offender receives some sanction for every crime, except that such funds shall not be used on initiatives that the organization created by section 241 determines do not prevent or reduce youth violence;*

*(2) provide for records to be kept by recipients of funds made available to the State under section 222 sufficient for the organization created by section 241 to monitor whether the use of said funds has prevented or reduced youth violence;*

*(3) ensure that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult (other than an offense that constitutes a violation of a valid court order or a violation of section 922(x) of title 18, United States Code, or a similar State law), or alien juveniles in custody, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities, except that the juvenile or family court may detain, after a hearing, in a secure detention facility for a limited period of time, not to exceed 72 hours, a runaway, truant, or incorrigible youth, if the youth—*

*(A) received a previous official court warning that an additional instance of such behavior would result in the secure detention of that youth; or*

*(B) the chronic behavior of the youth constitutes a clear and present danger to the physical or emotional well-being of the youth or the physical safety of the community, if the juvenile's detention is for not more than the amount of time necessary to eliminate such danger through detention or through other treatment, and secure detention is the least restrictive means available for guarding the safety of the youth or the community;*

*(4) submit an annual report to the Administrator describing the status of compliance with this section and containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in paragraph (3) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities that—*

*(A) are the least restrictive alternatives appropriate to the needs of the child and the community;*

*(B) are in reasonable proximity to the family and the home communities of such juveniles; and*

*(C) provide the services described in section 103(1);*

*(5) provide that juveniles alleged to be or found to be delinquent and youths under paragraph (3) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges or with the part-time or full-time security staff (including management) or direct-care staff of a jail or lockup for adults, unless that staff has been properly trained and certified by the State to deal with juvenile offenders, and staff is not dealing directly with both adult and juvenile prisoners in the same shift;*

*(6) provide that no juvenile shall be detained or confined in any jail or lockup for adults, except that the State may permit the detention or confinement of juveniles in a State-approved portion of a county jail or secure detention facility for up to 72 hours if such exceptions are limited to areas that are in compliance with paragraph (5), and—*

*(A) are outside a metropolitan statistical area; and*

*(B) have no existing acceptable alternative placement that is easily accessible;*

*(7) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;*

*(8) provide reasonable assurances that federal funds made available under this part for any period—*

*(A) would be used to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part; and*

*(B) would not replace such State, local, and other non-Federal funds; and*

*(9) address prevention efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, jails, and lockups who are members of minority groups, if such proportion exceeds the proportion that such groups represent in the general population, and comply with the substantive requirements of section 804 of the Omnibus Crime Control and Safe Streets Act of 1968.*

*(b) PENALTIES.—If a State fails to comply with—*

*(1) any one of paragraph (3), (5), (6), or (9) of subsection (a), in any fiscal year, the amount allocated under section 299 to that State for that fiscal year shall be reduced by 25 percent; and*

*(2) any combination of paragraphs (3), (5), (6), or (9) of subsection 9a), in any fiscal year, the amount allocated under section 299 to that State for that fiscal year shall be reduced by 50 percent.*

*(c) EFFECT OF STATE LAW.—Notwithstanding subsection (b), no penalty shall be imposed on any State for failure to comply with the requirements of this section if the State has enacted legislation conforming to such requirements and containing enforcement mechanisms sufficient to ensure that such legislation is enforced effectively.*

## PART C—NATIONAL PROGRAMS

### Subpart I—National Institute for Juvenile Justice and Delinquency Prevention

#### ESTABLISHMENT OF NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the [Juvenile Justice and Delinquency Prevention Office] *Office of Justice Programs* a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the [Administrator] *Director of Juvenile Justice and Delinquency Prevention (hereafter in this Act referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have had experience in juvenile justice programs or experience in scientific research.*

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice in accordance with the requirements of section 201(b).

(d) IT SHALL BE THE PURPOSE OF THE INSTITUTE TO PROVIDE.—

(1) a coordinating center for the collection, preparation, and dissemination of useful data regarding the prevention, treatment, and control of juvenile delinquency; [and]

*(2) for the rigorous and independent evaluation of the delinquency and youth violence prevention programs funded under this title;*

*(3) funding for research and demonstration projects on the nature, causes, and prevention of juvenile violence and juvenile delinquency; and*

[(2)] *(4)* appropriate training (including training designed to strengthen and maintain the family unit) for representatives of Federal, State, local law enforcement officers, teachers and special [education personnel recreation] *education personnel, recreation* and park personnel,[,] family counselors, child welfare workers, juvenile judges and judicial personnel, probation personnel, prosecutors and defense attorneys, correctional personnel (including volunteer lay personnel), persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention, treatment, and control of juvenile delinquency.

(e) In addition to the other powers, express and implied, the Institute may—

(1) * * *

* * * * * * *

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals for the partial performance of any functions of the Institute; *and*

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter payable under section 5376 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently[; and].

[(6) assist through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this title.]

[(f)(1) The Administrator, acting through the Institute, shall provide technical and financial assistance to an eligible organization composed of member representatives of the State advisory groups appointed under section 223(a)(3) to assist such organization to carry out the functions specified in paragraph (2).

[(2) To be eligible to receive such assistance, such organization shall agree to carry out activities that include—

[(A) conducting an annual conference of such member representatives for purposes relating to the activities of such State advisory groups;

[(B) disseminating information, data, standards, advanced techniques, and program models developed through the Institute and through programs funded under section 261;

[(C) reviewing Federal policies regarding juvenile justice and delinquency prevention;

[(D) advising the Administrator with respect to particular functions or aspects of the work of the Office; and

[(E) advising the President and Congress with regard to State perspectives on the operation of the Office and Federal

legislation pertaining to juvenile justice and delinquency prevention.]

*(f) DUTIES OF THE INSTITUTE.—*

*(1) IN GENERAL. The Institute shall make grants and enter into contracts for the purposes of evaluating programs established and funded with State formula grants, research and demonstration projects funded by the National Institute of Juvenile Justice and Delinquency, and discretionary funding of the Office of Youth Violence Reduction.*

*(2) REQUIREMENTS.—Evaluations and research studies funded by the Institute shall—*

*(A) be independent in nature;*

*(B) be awarded competitively; and*

*(C) employ rigorous and scientifically recognized standards and methodologies, including peer review by non-applicants.*

* * * * * * *

INFORMATION FUNCTION

SEC. 242. The [Administrator] *Director*, acting through the National Institute for Juvenile Justice and Delinquency Prevention, shall—

* * * * * * *

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. (a) The [Administrator] *Director*, acting through the National Institute for Juvenile Justice and Delinquency Prevention, is authorized to—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which [seek to strengthen and preserve families or which] show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) establish or expand programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(i)] *(A)* encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(ii)] *(B)* assist in the provision by the [Administrator] *Director* of *best practices of* information and technical as-

sistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

(4) [Encourage] *encourage* the development of programs which, in addition to helping youth take responsibility for their behavior, [take into consideration life experiences which may have contributed to their delinquency when developing intervention and treatment programs] *through control and incarceration, if necessary, provide therapeutic intervention such as providing skills*;

(5) encourage the development and establishment of programs to enhance the States' ability to identify chronic serious and violent juvenile offenders who commit crimes such as rape, murder, firearms offenses, gang-related crimes, violent felonies, and serious drug offenses;

[(5) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

[(6) provide for the evaluation of any other Federal, State, or local juvenile delinquency program;

[(7) prepare, in cooperation with educational institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and the improvement of the juvenile justice system, including—

[(A) recommendations designed to promote effective prevention and treatment, particularly by strengthening and maintaining the family unit;

[(B) assessments regarding the role of family violence, sexual abuse or exploitation, media violence, the improper handling of youth placed in one State by another State, the effectiveness of family-centered treatment programs, special education, remedial education, and recreation, and the extent to which youth in the juvenile system are treated differently on the basis of sex, race, or family income and the ramifications of such treatment;

[(C) examinations of the treatment of juveniles processed in the criminal justice system; and

[(D) recommendations as to effective means for deterring involvement in illegal activities or promoting involvement in lawful activities (including the productive use of discretionary time through organized recreational on the part of gangs whose membership is substantially composed of juveniles;]

*(6) prepare, in cooperation with education institutions, with Federal, State, and local agencies, and with appropriate individuals and private agencies, such studies as it considers to be necessary with respect to prevention of and intervention with juvenile violence and delinquency and the improvement of juvenile justice systems, including—*

*(A) evaluations of programs and interventions designed to prevent youth violence and juvenile delinquency;*

*(B) assessments and evaluations of the methodological approaches to evaluating the effectiveness of interventions and programs designed to prevent youth violence and juvenile delinquency;*

*(C) studies of the extent, nature, risk and protective factors, and causes of youth violence and juvenile delinquency;*

*(D) comparisons of youth adjudicated and treated by the juvenile justice system compared to juveniles waived to and adjudicated by the adult criminal justice system (including incarcerated in adult, secure correctional facilities);*

*(E) recommendations with respect to effective and ineffective primary, secondary, and tertiary prevention interventions, including for which juveniles, and under what circumstances (including circumstances connected with the staffing of the intervention), prevention efforts are effective and ineffective; and*

*(F) assessments of risk prediction systems of juveniles used in making decisions regarding pretrial detention;*

[(8)] *(7)* disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency;

[(9)] *(8)* disseminate pertinent data and studies to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency; *and*

[(10) develop and support model State legislation consistent with the mandates of this title and the standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984;

[(11) support research relating to reducing the excessive proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups; and

[(12) support independent and collaborative research, research training, and consultation on social, psychological, educational, economic, and legal issues affecting children and families;

[(13) support research related to achieving a better understanding of the commission of hate crimes by juveniles and designed to identify educational programs best suited to prevent and reduce the incidence of hate crimes committed by juveniles; and]

[(14)] *(9)* routinely collect, analyze, compile, publish, and disseminate uniform national statistics concerning—

* * * * * * *

(b) The [Administrator] *Director* shall make available to the public—

(1) the results of evaluations and research and demonstration activities referred to in subsection (a)(8); [and]

(2) the data and studies referred to in [subsection (a)(9)] *subsection (a)(8);*

that the [Administrator] *Director* is authorized to disseminate under subsection (a)[.]; *and*

*(3) regular reports on the record of each State on objective measurements of youth violence, such as the number, rate, and trend of homicides committed by youths.*

[TECHNICAL ASSISTANCE AND TRAINING FUNCTIONS

[SEC. 244. The Administrator, acting through the National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

[(1) provide technical assistance and training assistance to Federal, State, and local governments and to courts, public and private agencies, institutions, and individuals in the planning, establishment, funding, operation, and evaluation of juvenile delinquency programs;

[(2) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are working with or preparing to work with juveniles, juvenile offenders (including juveniles who commit hate crimes), and their families;

[(3) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges prosecutors and defense attorneys, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

[(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders; and

[(5) provide technical assistance and training to assist States and units of general local government to adopt the model standards issued under section 204(b)(7).]

[ESTABLISHMENT OF TRAINING PROGRAM

[SEC. 245. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency, including methods and techniques specifically designed to prevent and reduce the incidence of hate crimes committed by juveniles. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

[(b) Enrollees in the training program established under this section shall be drawn from law enforcement and correctional personnel (including volunteer lay personnel), teachers and special education personnel, family counselors, child welfare workers, juvenile judges and judicial personnel, persons associated with law-related education, youth workers, and representatives of private agencies and organizations with specific experience in the prevention and treatment of juvenile delinquency.]

[CURRICULUM FOR TRAINING PROGRAM

[SEC. 246. The Administrator shall design and supervise a curriculum for the training program established by section 245 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program and shall include training designed to prevent juveniles from committing hate crimes.]

[PARTICIPATION IN TRAINING PROGRAM AND STATE ADVISORY GROUP CONFERENCES

[SEC. 247. (a) Any person seeking to enroll in the training program established under section 245 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

[(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 245(b).

[(c) While participating as a trainee in the program established under section 245 or while participating in any conference held under section 241(f), and while traveling in connection with such participation, each person so participating shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed travel expenses under section 5703 of title 5, United States Code. No consultation fee may be paid to such person for such participation.]

[SPECIAL STUDIES AND REPORTS

[SEC. 248. (a) PURSUANT TO 1988 AMENDMENTS.—(1) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study with respect to the juvenile justice system—

[(A) to review—

[(i) conditions in detention and correctional facilities for juveniles; and

[(ii) the extent to which such facilities meet recognized national professional standards; and

[(B) to make recommendations to improve conditions in such facilities.

[(2)(A) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine—

[(i) how juveniles who are American Indians and Alaskan Natives and who are accused of committing offenses on and near Indian reservations and Alaskan Native villages, respectively, are treated under the systems of justice administered by

Indian tribes and Alaskan Native organizations, respectively, that perform law enforcement functions;

[(ii) the amount of financial resources (including financial assistance provided by governmental entities) available to Indian tribes and Alaskan Native organizations that perform law enforcement functions, to support community-based alternatives to incarcerating juveniles; and

[(iii) the extent to which such tribes and organizations comply with the requirements specified in paragraphs (12)(A), (13), and (14) of section 223(a), applicable to the detention and confinement of juveniles.

[(2)(A) For purposes of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)), any contact, subcontract, grant, or subgrant made under paragraph (1) shall be deemed to be a contract, subcontract, grant, or subgrant made for the benefit of Indians.

[(ii) for purposes of section 7(b) of such Act and subparagraph (A) of this paragraph, references to Indians and Indian organizations shall be deemed to include Alaskan Natives and Alaskan Native organizations, respectively.

[(3) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under paragraph (1) or (2), as the case may be.

[(b) PURSUANT TO 1992 AMENDMENTS.—(1) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to juveniles waived to adult court that reviews—

[(i) the frequency and extent to which juveniles have been transferred, certified, or waived to criminal court for prosecution during the 5-year period ending December 1992;

[(ii) conditions of confinement in adult detention and correctional facilities for juveniles waived to adult court; and

[(iii) sentencing patterns, comparing juveniles waived to adult court with juveniles who have committed similar offenses but have not been waived; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report (including a compilation of State waiver statutes) on the findings made in the study and recommendations to improve conditions for juveniles waived to adult court.

[(2) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study with respect to admissions of juveniles for behavior disorders to private psychiatric hospitals, and to other residential and nonresidential programs that serve juveniles admitted for behavior disorders, that reviews—

[(i) the frequency with which juveniles have been admitted to such hospitals and programs during the 5-year period ending December 1992; and

[(ii) conditions of confinement, the average length of stay, and methods of payment for the residential care of such juveniles; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve procedural protections and conditions for juveniles with behavior disorders admitted to such hospitals and programs.

[(3) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of gender bias within State juvenile justice systems that reviews—

[(i) the frequency with which females have been detained for status offenses (such as frequently running away, truancy, and sexual activity), as compared with the frequency with which males have been detained for such offenses during the 5-year period ending December 1992; and

[(ii) the appropriateness of the placement and conditions of confinement for females; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to combat gender bias in juvenile justice and provide appropriate services for females who enter the juvenile justice system.

[(4) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of the Native American pass-through grant program authorized under section 223(a)(5)(C) that reviews the cost-effectiveness of the funding formula utilized; and

[(B) submit to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve the Native American pass-through grant program.

[(5) Not later than 1 year after the date of enactment of this subsection, the Comptroller General shall—

[(A) conduct a study of access to counsel in juvenile court proceedings that reviews—

[(i) the frequency with which and the extent to which juveniles in juvenile court proceedings either have waived counsel or have obtained access to counsel during the 5-year period ending December 1992; and

[(ii) a comparison of access to and the quality of counsel afforded juveniles charged in adult court proceedings with those of juveniles charged in juvenile court proceedings; and

[(B) submit to Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate a report on the findings made in the study and recommendations to improve access to counsel for juveniles in juvenile court proceedings.

[(6)(A) Not later than 180 days after the date of enactment of this subsection, the Administrator shall begin to conduct a study and continue any pending study of the incidence of violence committed by or against juveniles in urban and rural areas in the United States.

[(B) The urban areas shall include—

[(i) the District of Columbia;

[(ii) Los Angeles, California;

[(iii) Milwaukee, Wisconsin;

[(iv) Denver, Colorado;

[(v) Pittsburgh, Pennsylvania;

[(vi) Rochester, New York; and

[(vii) such other cities as the Administrator determines to be appropriate.

[(C) At least one rural area shall be included.

[(D) With respect to each urban and rural area included in the study, the objectives of the study shall be—

[(i) to identify characteristics and patterns of behavior of juveniles who are at risk of becoming violent or victims of homicide;

[(ii) to identify factors particularly indigenous to such area that contribute to violence committed by or against juveniles;

[(iii) to determine the accessibility of firearms, and the use of firearms by or against juveniles;

[(iv) to determine the conditions that cause any increase in violence committed by or against juveniles;

[(v) to identify existing and new diversion, prevention, and control programs to ameliorate such conditions;

[(vi) to improve current systems to prevent and control violence by or against juveniles; and

[(vii) to develop a plan to assist State and local governments to establish viable ways to reduce homicide committed by or against juveniles.

[(E) Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on the Judiciary of the Senate detailing the results of the study addressing each objective specified in subparagraph (D).

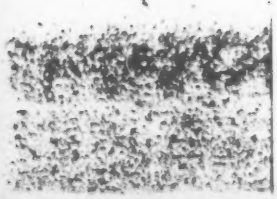
[(7)(A) Not later than 1 year after the date of the enactment of this subsection, the Administrator shall—

[(i) conduct a study described in subparagraph (B); and

[(ii) submit to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate the results of the study.

[(B) The study required by subparagraph (A) shall assess—

[(i) the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on—



[(I) the motives for committing hate crimes;

[(II) the age, sex, race, ethnicity, education level, locality, and family income of such juveniles; and

[(III) whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes;

[(ii) the characteristics of hate crimes committed by juveniles, including—

[(I) the types of hate crimes committed;

[(II) the frequency with which institutions and natural persons, separately determined, were the targets of such crimes;

[(III) the number of persons who participated with juveniles in committing such crimes;

[(IV) the types of law enforcement investigations conducted with respect to such crimes;

[(V) the law enforcement proceedings commenced against juveniles for committing hate crimes; and

[(VI) the penalties imposed on such juveniles as a result of such proceedings; and

[(iii) the characteristics of the victims of hate crimes committed by juveniles, including—

[(I) the age, sex, race, ethnicity, locality of the victims and their familiarity with the offender; and

[(II) the motivation behind the attack.]

## [SUBPART II—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

### [AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 261. (a) Except as provided in subsection (f), the Administrator shall, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals provide for each of the following during each fiscal year:

[(1) Establishing or maintaining community-based alternatives (including home-based treatment programs) to traditional forms of institutionalization of juvenile offenders.

[(2) Establishing or implementing effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution and reconciliation projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents.

[(3) Establishing or supporting advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles.

[(4) Establishing or supporting programs stressing advocacy activities aimed at improving services to juveniles affected by the juvenile justice system, including services that provide for the appointment of special advocates by courts for such juveniles.

[(5) Developing or supporting model programs to strengthen and maintain the family unit in order to prevent or treat juvenile delinquency.

[(6) Establishing or implementing special emphasis prevention and treatment programs relating to juveniles who commit serious crimes (including such crimes committeed in schools), including programs designed to deter involvement in illegal activities or to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of juveniles.

[(7) Developing or implementing further a coordinated, national law-related education program of—

[(A) delinquency prevention in elementary and secondary schools, and other local sites;

[(B) training for persons responsible for the implementation of law-related education programs; and

[(C) disseminating information regarding model, innovative, law-related education programs to juvenile delinquency programs, including those that are community based, and to law enforcement and criminal justice agencies for activities related to juveniles,

that targets juveniles who have had contact with the juvenile justice system or who are likely to have contact with the system.

[(8) Addressing efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

[(9) Establishing or supporting programs designed to prevent and to reduce the incidence of hate crimes by juveniles, including—

[(A) model educational programs that are designed to reduce the incidence of hate crimes by means such as—

[(i) addressing the specific prejudicial attitude of each offender;

[(ii) developing an awareness in the offender of the effect of the hate crime on the victim; and

[(iii) educating the offender about the importance of tolerance in our society; and

[(B) sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration.

[(b) Except as provided in subsection (f), the Administrator is authorized, by making grants to and entering into contracts with public and private nonprofit agencies, organizations, institutions, and individuals, to develop and implement new approaches, techniques, and methods designed to—

[(1) improve the capability of public and private agencies and organizations to provide services for delinquents and other juveniles to help prevent juvenile delinquency;

[(2) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools, to assist in identi-

fying learning difficulties (including learning disabilities), to prevent unwarranted and arbitrary suspensions and expulsions, and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

[(3) develop, implement, and support, in conjuction with the Secretary of Labor, other public and private agencies, organizations, business, and industry, programs for the employment of juveniles;

[(4) develop and support programs designed to encourage and assist State legislatures to consider and establish policies consistent with this title, both by amending State laws, if necessary, and devoting greater resources to effectuate such policies;

[(5) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles;

[(6) develop statewide programs through the use of subsidies or other financial incentives designed to—

[(A) remove juveniles from jails and lockups for adults;

[(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

[(C) establish and adopt, based upon the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention made before the date of the enactment of the Juvenile Justice, Runaway Youth, and Missing Children's Act Amendments of 1984, standards for the improvement of juvenile justice within each State involved; and

[(7) develop and implement programs, relating to the special education needs of delinquent and other juveniles, which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies.

[(c) Not less than 30 percent of the funds available for grants and contracts under this section shall be available for grants to and contracts with private nonprofit agencies, organizations, and institutions which have experience in dealing with juveniles.

[(d) Assistance provided under this section shall be available on an equitable basis to deal with female, minority, and disadvantaged juveniles, including juveniles who are mentally, emotionally, or physically handicapped.

[(e) Not less than 5 percent of the funds available for grants and contracts under this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

[(f) The Administrator shall not make a grant or a contract under subsection (a) or (b) to the Department of Justice or to any administrative unit or other entity that is part of the Department of Justice.]

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. [262] *244*. (a) Any agency, institution, or individual desiring to receive a grant, or enter into a contract, under [this part] *section 243* shall submit an application at such time, in such manner, and containing or accompanied by such information as the [Administrator] *Director* may prescribe.

(b) In accordance with guidelines established by the [Administrator] *Director*, each application for assistance under [this part] *section 243* shall—

(1) set forth a program for carrying out one or more of the purposes set forth in [this part] *section 243* and specifically identify each such purpose such program is designed to carry out;

(2) provide that such program shall be administered by or under the supervision of the applicant;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of such program; *and*

[(5) certify that the applicant has requested the State planning agency and local agency designated in section 223, if any to review and comment on such application and indicate the responses of such State planning agency and local agency to such request;

[(6) attach a copy of the responses of such State planning agency and local agency to such request;

[(7) provide that regular reports on such program shall be sent to the Administrator and to such State planning agency and local agency; and

[(8)] *(5)* provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this title.

[(c) In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—

[(1) the relative cost and effectiveness of the proposed program in carrying out this part;

[(2) the extent to which such program will incorporate new or innovative techniques;

[(3) if a State plan has been approved by the Administrator under section 223(c), the extent to which such program meets the objectives and priorities of the State plan, taking into consideration the location and scope of such program;

[(4) the increase in capacity of the public and private agency, institution, or individual involved to provide services to address juvenile delinquency and juvenile delinquency prevention;

[(5) the extent to which such program serves communities which have high rates of juvenile unemployment, school dropout, and delinquency; and

[(6) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a popu-

lation greater than 40,000 located within States which have no city with a population over 250,000.]

*(c) FACTORS FOR CONSIDERATION.—In determining whether or not to approve applications for grants and for contracts under this part, the Administrator shall consider—*

*(1) whether the project uses appropriate and rigorous methodology, including appropriate samples, control groups, psychometerically sound measurement, and appropriate data analysis techniques;*

*(2) the experience of the principal and co-principal investigators in the area of youth violence and juvenile delinquency;*

*(3) the protection offered human subjects in the study, including informed consent procedures; and*

*(4) the cost-effectiveness of the proposed project.*

(d)(1)(A) Programs selected for assistance through grants or contracts under [this part] *section 243* [(other than section 241(f))] shall be selected through a competitive process to be established by rule by the [Administrator] *Director*. As part of such a process, the [Administrator] *Director* shall announce in the Federal Register—

(i) the availability of funds for such assistance;

(ii) the general criteria applicable to the selection of applicants to receive such assistance; and

(iii) a description of the procedures applicable to submitting and reviewing applications for such assistance.

(B) The competitive process described in subparagraph (A) shall not be required if the [Administrator] *Director* makes a written determination waiving the competitive [process—

(i) with respect to programs] *process with respect to programs* to be carried out in areas with respect to which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) that a major disaster or emergency exists[; or].

[(ii) with respect to a particular program described in part C that is uniquely qualified.]

(2)[(A) Programs selected for assistance through grants or contracts under [this part] *section 243* (other than section 241(f)) shall be reviewed before selection, and thereafter as appropriate, through a formal peer review process utilizing experts (other than officers and employees of the Department of Justice) in fields related to the subject matter of the proposed program.] *(A) Programs selected for assistance through grants and contracts under this part shall be selected after a competitive process that provides potential grantees and contractors with not less than 90 days to submit applications for funds. Applications for funds shall be reviewed through a formal peer review process by qualified scientists with expertise in the fields of criminology, juvenile delinquency, sociology, psychology, research methodology, evaluation research, statistics, and related areas. The peer review process shall conform to the process used by the National Institutes of Health, the National Institute of Justice, or the National Science Foundation.*

(B) Such process shall be established by the [Administrator] *Director* in consultation with the Directors and other appropriate officials of the National Science Foundation and the National Institute of Mental Health. Before implementation of such process, the [Ad-

ministrator] *Director* shall submit such process to such Directors, each of whom shall prepare and furnish to the chairman of the [Committee on Education and Labor] *Committee on Economic and Educational Opportunities* of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate a final report containing their comments on such process as proposed to be established.

(3) The [Administrator] *Director*, in establishing the process required under paragaphs (1) and (2), shall provide for emergency expedited consideration of the proposed programs if necessary to avoid any delay which would preclude carrying out such programs.

(e) A city shall not be denied assistance under [this part] *section 243* solely on the basis of its population.

(f) Notification of grants and contracts made under [this part] *Section 243* (and the applications submitted for such grants and contracts) shall, upon being made, be transmitted by the [Administrator] *Director*, to the chairman of the [Committee on Education and Labor] *Committee on Economic and Educational Opportunities* of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate.

[PART D—GANG-FREE SCHOOLS AND COMMUNITIES; COMMUNITY-BASED GANG INTERVENTION

[Subpart I—Gang-Free Schools and Communities

[AUTHORITY TO MAKE GRANTS AND CONTRACTS

[SEC. 281. (a) The Administrator shall make grants to or enter into contracts with public agencies (including local educational agencies) and private nonprofit agencies, organizations, and institutions to establish and support programs and activities that involve families and communities and that are designed to carry out any of the following purposes:

[(1) To prevent and to reduce the participation of juveniles in the activities of gangs that commit crimes. Such programs and activities may include—

[(A) individual, peer, family, and group counseling, including the provision of life skills training and preparation for living independently, which shall include cooperation with social services, welfare, and health care programs;

[(B) education and social services designed to address the social and developmental needs of juveniles which such juveniles would otherwise seek to have met through membership in gangs;

[(C) crisis intervention and counseling to juveniles, who are particularly at risk of gang involvement, and their families, including assistance from social service, welfare, health care, mental health, and substance abuse prevention and treatment agencies where necessary;

[(D) the organization of neighborhood and community groups to work closely with parents, schools, law enforcement, and other public and private agencies in the community; and

[(E) training and assistance to adults who have significant relationships with juveniles who are or may become members of gangs, to assist such adults in providing constructive alternatives to participating in the activities of gangs.

[(2) To develop within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses.

[(3) To target elementary school students, with the purpose of steering students away from gang involvement.

[(4) To provide treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent.

[(5) To promote the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes.

[(6) To promote and support, with the cooperation of community-based organizations experienced in providing services to juveniles engaged in gang-related activities and the cooperation of local law enforcement agencies, the development of policies and activities in public elementary and secondary schools which will assist such schools in maintaining a safe environment conducive to learning.

[(7) To assist juveniles who are or may become members of gangs to obtain appropriate educational instruction, in or outside a regular school program, including the provision of counseling and other services to promote and support the continued participation of such juveniles in such instructional programs.

[(8) To expand the availability of prevention and treatment services relating to the illegal use of controlled substances and controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies.

[(9) To provide services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity.

[(10) To provide services authorized in this section at a special location in a school or housing project.

[(11) To support activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[(b) From not more than 15 percent of the amount appropriated to carry out this part in each fiscal year, the Administrator may make grants to and enter into contracts with public agencies and private nonprofit agencies, organizations, and institutions—

[(1) to conduct research on issues related to juvenile gangs;

[(2) to evaluate the effectiveness of programs and activities funded under subsection (a); and

[(3) to increase the knowledge of the public (including public and private agencies that operate or desire to operate gang prevention and intervention programs) by disseminating infor-

mation on research and on effective programs and activities funded under this subpart.

[APPROVAL OF APPLICATIONS

[SEC. 281A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 281 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

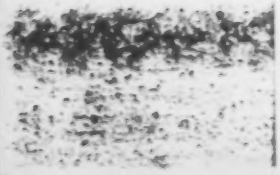
[(c) In reviewing applications for grants and contracts under section 281(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, local educational agencies (as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891));

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and



[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

[Subpart II—Community-Based Gang Intervention

[SEC. 282. (a) The Administrator shall make grants to or enter into contracts with public and private nonprofit agencies, organizations, and institutions to carry out programs and activities—

[(1) to reduce the participation of juveniles in the illegal activities of gangs;

[(2) to develop regional task forces involving State, local, and community-based organizations to coordinate enforcement, intervention, and treatment efforts for juvenile gang members and to curtail interstate activities of gangs; and

[(3) to facilitate coordination and cooperation among—

[(A) local education, juvenile justice, employment, and social service agencies; and

[(B) community-based programs with a proven record of effectively providing intervention services to juvenile gang members for the purpose of reducing the participation of juveniles in illegal gang activities; and

[(4) to support programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

[(A) encourage courts to develop and implement a continuum of post-adjudication restraints that bridge the gap between traditional probation and confinement in a correctional setting (including expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, boot camps and similar programs, and secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

[(B) assist in the provision by the provision [1] by the Administrator of information and technical assistance, including technology transfer, to States in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior.

[(b) Programs and activities for which grants and contracts are to be made under subsection (a) may include—

[(1) developing within the juvenile adjudicatory and correctional systems new and innovative means to address the problems of juveniles convicted of serious drug-related and gang-related offenses;

[(2) providing treatment to juveniles who are members of such gangs, including members who are accused of committing a serious crime and members who have been adjudicated as being delinquent;

[(3) promoting the involvement of juveniles in lawful activities in geographical areas in which gangs commit crimes;

[(4) expanding the availability of prevention and treatment services relating to the illegal use of controlled substances and

controlled substances analogues (as defined in paragraphs (6) and (32) of section 102 of the Controlled Substances Act (21 U.S.C. 802) by juveniles, provided through State and local health and social services agencies;

[(5) providing services to prevent juveniles from coming into contact with the juvenile justice system again as a result of gang-related activity; or

[(6) supporting activities to inform juveniles of the availability of treatment and services for which financial assistance is available under this subpart.

[APPROVAL OF APPLICATIONS

[SEC. 282A. (a) Any agency, organization, or institution desiring to receive a grant, or to enter into a contract, under this subpart shall submit an application at such time, in such manner, and containing such information as the Administrator may prescribe.

[(b) In accordance with guidelines established by the Administrator, each application submitted under subsection (a) shall—

[(1) set forth a program or activity for carrying out one or more of the purposes specified in section 282 and specifically identify each such purpose such program or activity is designed to carry out;

[(2) provide that such program or activity shall be administered by or under the supervision of the applicant;

[(3) provide for the proper and efficient administration of such program or activity;

[(4) provide for regular evaluation of such program or activity;

[(5) provide an assurance that the proposed program or activity will supplement, not supplant, similar programs and activities already available in the community;

[(6) describe how such program or activity is coordinated with programs, activities, and services available locally under parts B or C of this title, and under chapter 1 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11801–11805);

[(7) certify that the applicant has requested the State planning agency to review and comment on such application and summarizes the responses of such State planning agency to such request;

[(8) provide that regular reports on such program or activity shall be sent to the Administrator and to such State planning agency; and

[(9) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this subpart.

[(c) In reviewing applications for grants and contracts under section 285(a), the Administrator shall give priority to applications—

[(1) submitted by, or substantially involving, community-based organizations experienced in providing services to juveniles;

[(2) based on the incidence and severity of crimes committed by gangs whose membership is composed primarily of juveniles

in the geographical area in which the applicants propose to carry out the programs and activities for which such grants and contracts are requested; and

[(3) for assistance for programs and activities that—

[(A) are broadly supported by public and private nonprofit agencies, organizations, and institutions located in such geographical area; and

[(B) will substantially involve the families of juvenile gang members in carrying out such programs or activities.

[Subpart III—General Provisions

[DEFINITION

[SEC. 283. For purposes of this part, the term "juvenile" means an individual who is less than 22 years of age.]

[PART E—STATE CHALLENGE ACTIVITIES

[ESTABLISHMENT OF PROGRAM

[SEC. 285. (a) IN GENERAL.—The Administrator may make a grant to a State that receives an allocation under section 222, in the amount of 10 percent of the amount of the allocation, for each challenge activity in which the State participates for the purpose of funding the activity.

[(b) DEFINITIONS.—For purposes of this part—

[(1) the term "case review system" means a procedure for ensuring that—

[(A) each youth has a case plan, based on the use of objective criteria for determining a youth's danger to the community or himself or herself, that is designed to achieve appropriate placement in the least restrictive and most family-like setting available in close proximity to the parents' home, consistent with the best interests and special needs of the youth;

[(B) the status of each youth is reviewed periodically but not less frequently than once every 3 months, by a court or by administrative review, in order to determine the continuing necessity for and appropriateness of the placement;

[(C) with respect to each youth, procedural safeguards will be applied to ensure that a dispositional hearing is held to consider the future status of each youth under State supervision, in a juvenile or family court or another court (including a tribal court) of competent jurisdiction, or by an administrative body appointed or approved by the court, not later than 12 months after the original placement of the youth and periodically thereafter during the continuation of out-of-home placement; and

[(D) a youth's health, mental health, and education record is reviewed and updated periodically; and

[(2) the term "challenge activity" means a program maintained for 1 of the following purposes:

[(A) Developing and adopting policies and programs to provide basic health, mental health, and appropriate education services, including special education, for youth in

the juvenile justice system as specified in standards developed by the National Advisory Committee for Juvenile Justice and Delinquency Prevention prior to October 12, 1984.

[(B) Developing and adopting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that juveniles consult with counsel before waiving the right to counsel.

[(C) Increasing community-based alternatives to incarceration by establishing programs (such as expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, and electronic monitoring) and developing and adopting a set of objective criteria for the appropriate placement of juveniles in detention and secure confinement.

[(D) Developing and adopting policies and programs to provide secure settings for the placement of violent juvenile offenders by closing down traditional training schools and replacing them with secure settings with capacities of no more than 50 violent juvenile offenders with ratios of staff to youth great enough to ensure adequate supervision and treatment.

[(E) Developing and adopting policies to prohibit gender bias in placement and treatment and establishing programs to ensure that female youth have access to the full range of health and mental health services, treatment for physical or sexual assault and abuse, self defense instruction, education in parenting, education in general, and other training and vocational services.

[(F) Establishing and operating, either directly or by contract or arrangement with a public agency or other appropriate private nonprofit organization (other than an agency or organization that is responsible for licensing or certifying out-of-home care services for youth), a State ombudsman office for children, youth, and families to investigate and resolve complaints relating to action, inaction, or decisions of providers of out-of-home care to children and youth (including secure detention and correctional facilities, residential care facilities, public agencies, and social service agencies) that may adversely affect the health, safety, welfare, or rights of resident children and youth.

[(G) Developing and adopting policies and programs designed to remove, where appropriate, status offenders from the jurisdiction of the juvenile court to prevent the placement in secure detention facilities or secure correctional facilities of juveniles who are nonoffenders or who are charged with or who have committed offenses that would not be criminal if committed by an adult.

[(H) Developing and adopting policies and programs designed to serve as alternatives to suspension and expulsion from school.

[(I) Increasing aftercare services for juveniles involved in the justice system by establishing programs and developing and adopting policies to provide comprehensive

health, mental health, education, and vocational services and services that preserve and strengthen the families of such juveniles.

[(J) Developing and adopting policies to establish—

[(i) a State administrative structure to coordinate program and fiscal policies for children who have emotional and behavioral problems and their families among the major child serving systems, including schools, social services, health services, mental health services, and the juvenile justice system; and

[(ii) a statewide case review system.]

## [PART F—TREATMENT FOR JUVENILE OFFENDERS WHO ARE VICTIMS OF CHILD ABUSE OR NEGLECT

### [DEFINITION

[SEC. 287. For the purposes of this part, the term "juvenile" means a person who is less than 18 years of age.

### [AUTHORITY TO MAKE GRANTS

[SEC. 287A. The Administrator, in consultation with the Secretary of Health and Human Services, shall make grants to public and nonprofit private organizations to develop, establish, and support projects that—

[(1) provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families so as to reduce the likelihood that the juvenile offenders will commit subsequent violations of law;

[(2) based on the best interests of juvenile offenders who receive treatment for child abuse or neglect, provide transitional services (including individual, group, and family counseling) to juvenile offenders—

[(A) to strengthen the relationships of juvenile offenders with their families and encourage the resolution of intrafamily problems related to the abuse or neglect;

[(B) to facilitate their alternative placement; and

[(C) to prepare juveniles aged 16 years and older to live independently; and

[(3) carry out research (including surveys of existing transitional services, identification of exemplary treatment modalities, and evaluation of treatment and transitional services) provided with grants made under this section.

### [ADMINISTRATIVE REQUIREMENTS

[SEC. 287B. The Administrator shall administer this part subject to the requirements of sections 262, 299B, and 299E.

### [PRIORITY

[SEC. 287C. In making grants under section 287A, the Administrator—

[(1) shall give priority to applicants that have experience in treating juveniles who are victims of child abuse or neglect; and

[(2) may not disapprove an application solely because the applicant proposes to provide treatment or transitional services to juveniles who are adjudicated to be delinquent for having committed offenses that are not serious crimes.]

## [PART G—MENTORING

### [PURPOSES

[SEC. 288. The purposes of this part are—

[(1) to reduce juvenile delinquency and gang participation;

[(2) to improve academic performance; and

[(3) to reduce the dropout rate,

[through the use of mentors for at-risk youth.

### [DEFINITIONS

[SEC. 288A. For purposes of this part—

[(1) the term "at-risk youth" means a youth at risk of educational failure or dropping out of school or involvement in delinquent activities; and

[(2) the term "mentor" means a person who works with an at-risk youth on a one-to-one basis, establishing a supportive relationship with the youth and providing the youth with academic assistance and exposure to new experiences that enhance the youth's ability to become a responsible citizen.

### [GRANTS

[SEC. 288B. The Administrator shall, by making grants to and entering into contracts with local educational agencies (each of which agency shall be in partnership with a public or private agency, institution, or business), establish and support programs and activities for the purpose of implementing mentoring programs that—

[(1) are designed to link at-risk children, particularly children living in high crime areas and children experiencing educational failure, with responsible adults such as law enforcement officers, persons working with local businesses, and adults working for community-based organizations and agencies; and

[(2) are intended to achieve 1 or more of the following goals:

[(A) Provide general guidance to at-risk youth.

[(B) Promote personal and social responsibility among at-risk youth.

[(C) Increase at-risk youth's participation in and enhance their ability to benefit from elementary and secondary education.

[(D) Discourage at-risk youth's use of illegal drugs, violence, and dangerous weapons, and other criminal activity.

[(E) Discourage involvement of at-risk youth in gangs.

[(F) Encourage at-risk youth's participation in community service and community activities.

[REGULATIONS AND GUIDELINES

[SEC. 288C. (a) PROGRAM GUIDELINES.—The Administrator shall issue program guidelines to implement this part. The program guidelines shall be effective only after a period for public notice and comment.

[(b) MODEL SCREENING GUIDELINES.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

[USE OF GRANTS

[SEC. 288D. (a) PERMITTED USES.—Grants awarded pursuant to this part shall be used to implement mentoring programs, including—

[(1) hiring of mentoring coordinators and support staff;

[(2) recruitment, screening, and training of adult mentors;

[(3) reimbursement of mentors for reasonable incidental expenditures such as transportation that are directly associated with mentoring; and

[(4) such other purposes as the Administrator may reasonably prescribe by regulation.

[(b) PROHIBITED USES.—Grants awarded pursuant to this part shall not be used—

[(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

[(2) to obtain educational or other materials or equipment that would otherwise be used in the ordinary course of the grantee's operations;

[(3) to support litigation of any kind; or

[(4) for any other purpose reasonably prohibited by the Administrator by regulation.

[PRIORITY

[SEC. 288E. (a) IN GENERAL.—In making grants under this part, the Administrator shall give priority for awarding grants to applicants that—

[(1) serve at-risk youth in high crime areas;

[(2) have 60 percent or more of their youth eligible to receive funds under the Elementary and Secondary Education Act of 1965; and

[(3) have a considerable number of youth who drop out of school each year.

[(b) OTHER CONSIDERATIONS.—In making grants under this part, the Administrator shall give consideration to—

[(1) the geographic distribution (urban and rural) of applications;

[(2) the quality of a mentoring plan, including—

[(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or postsecondary education; and

[(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan; and

[(3) the capability of the applicant to effectively implement the mentoring plan.

[APPLICATIONS

[SEC. 288F. An application for assistance under this part shall include—

[(1) information on the youth expected to be served by the program;

[(2) a provision for a mechanism for matching youth with mentors based on the needs of the youth;

[(3) an assurance that no mentor will be assigned to more than one youth, so as to ensure a one-to-one relationship;

[(4) an assurance that projects operated in secondary schools will provide youth with a variety of experiences and support, including—

[(A) an opportunity to spend time in a work environment and, when possible, participate in the work environment;

[(B) an opportunity to witness the job skills that will be required for youth to obtain employment upon graduation;

[(C) assistance with homework assignments; and

[(D) exposure to experiences that youth might not otherwise encounter;

[(5) an assurance that projects operated in elementary schools will provide youth with—

[(A) academic assistance;

[(B) exposure to new experiences and activities that youth might not encounter on their own; and

[(C) emotional support;

[(6) an assurance that projects will be monitored to ensure that each youth benefits from a mentor relationship, with provision for a new mentor assignment if the relationship is not beneficial to the youth;

[(7) the method by which mentors and youth will be recruited to the project;

[(8) the method by which prospective mentors will be screened; and

[(9) the training that will be provided to mentors.

[GRANT CYCLES

[SEC. 288G. Grants under this part shall be made for 3-year periods.

[REPORTS

[SEC. 288H. Not later than 120 days after the completion of the first cycle of grants under this part, the Administrator shall submit to Congress a report regarding the success and effectiveness of the grant program in reducing juvenile delinquency and gang participation, improving academic performance, and reducing the dropout rate.]

[PART H—BOOT CAMPS

[ESTABLISHMENT OF PROGRAM

[SEC. 289. (a) IN GENERAL.—The Administrator may make grants to the appropriate agencies of 1 or more States for the purpose of establishing up to 10 military-style boot camps for juvenile delinquents (referred to as "boot camps").

[(b) LOCATION.—(1) The boot camps shall be located on existing or closed military installations on sites to be chosen by the agencies in one or more States, or in other facilities designated by the agencies on such sites, after consultation with the Secretary of Defense, if appropriate, and the Administrator.

[(2) The Administrator shall—

[(A) try to achieve to the extent possible equitable geographic distribution in approving boot camp sites; and

[(B) give priority to grants where more than one State enters into formal cooperative arrangements to jointly administer a boot camp; and

[(c) REGIMEN.—The boot camps shall provide—

[(1) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training;

[(2) regular, remedial, special, and vocational education; and

[(3) counseling and treatment for substance abuse and other health and mental health problems.

[CAPACITY

[SEC. 289A. Each boot camp shall be designed to accommodate between 150 and 250 juveniles for such time as the grant recipient agency deems to be appropriate.

[ELIGIBILITY AND PLACEMENT

[SEC. 289B. (a) ELIGIBILITY.—A person shall be eligible for assignment to a boot camp if he or she—

[(1) is considered to be a juvenile under the laws of the State of jurisdiction; and

[(2) has been adjudicated to be delinquent in the State of jurisdiction or, upon approval of the court, voluntarily agrees to the boot camp assignment without a delinquency adjudication.

[(b) PLACEMENT.—Prior to being placed in a boot camp, an assessment of a juvenile shall be performed to determine that—

[(1) the boot camp is the least restrictive environment that is appropriate for the juvenile considering the seriousness of the juvenile's delinquent behavior and the juvenile's treatment need; and

[(2) the juvenile is physically and emotionally capable of participating in the boot camp regimen.

[POST-RELEASE SUPERVISION

[SEC. 289C. A State that seeks to establish a boot camp, or participate in the joint administration of a boot camp, shall submit to the Administrator a plan describing—

[(1) the provisions that the State will make for the continued supervision of juveniles following release; and

[(2) provisions for educational and vocational training, drug or other counseling and treatment, and other support services.]

[PART I—WHITE HOUSE CONFERENCE ON JUVENILE JUSTICE

[SEC. 291. (a) IN GENERAL.—The President may call and conduct a National White House Conference on Juvenile Justice (referred to as the "Conference") in accordance with this part.

[(b) PURPOSES OF CONFERENCE.—The purposes of the Conference shall be—

[(1) to increase public awareness of the problems of juvenile offenders and the juvenile justice system;

[(2) to examine the status of minors currently in the juvenile and adult justice systems;

[(3) to examine the increasing number of violent crimes committed by juveniles;

[(4) to examine the growing phenomena of youth gangs, including the number of young women who are involved;

[(5) to assemble persons involved in policies and programs related to juvenile delinquency prevention and juvenile justice enforcement;

[(6) to examine the need for improving services for girls in the juvenile justice system;

[(7) to create a forum in which persons and organizations from diverse regions may share information regarding successes and failures of policy in their juvenile justice and juvenile delinquency prevention programs; and

[(8) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate to address the problems of juvenile delinquency and juvenile justice.

[(c) SCHEDULE OF CONFERENCES.—The Conference under this part shall be concluded not later than 18 months after the date of enactment of this part.

[(d) PRIOR STATE AND REGIONAL CONFERENCES.—

[(1) IN GENERAL.—Participants in the Conference and other interested persons and organizations may conduct conferences and other activities at the State and regional levels prior to the date of the Conference, subject to the approval of the executive director of the Conference.

[(2) PURPOSE OF STATE AND REGIONAL CONFERENCES.—State and regional conferences and activities shall be directed toward the consideration of the purposes of this part. State conferences shall elect delegates to the National Conferences.

[(3) ADMITTANCE.—No person involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders may be denied admission to a State or regional conference.

[CONFERENCE PARTICIPANTS

[SEC. 291A. (a) IN GENERAL.—The Conference shall bring together persons concerned with issues and programs, both public and private, relating to juvenile justice, and juvenile delinquency prevention.

[(b) SELECTION.—

[(1) STATE CONFERENCES.—Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences.

[(2) DELEGATES.—(A) In addition to delegates elected pursuant to paragraph (1)—

[(i) each Governor may appoint 1 delegate and 1 alternate;

[(ii) the majority leader of the Senate, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iii) the Speaker of the House of Representatives, in consultation with the minority leader, may appoint 10 delegates and 3 alternates;

[(iv) the President may appoint 20 delegates and 5 alternates;

[(v) the chief law enforcement official and the chief juvenile corrections official of each State may appoint 1 delegate and 1 alternate each; and

[(vi) the Chairperson of the Juvenile Justice and Delinquency Prevention Advisory Committee of each State, or his or her designate, may appoint 1 delegate.

[(B) Only persons involved in administering State juvenile justice programs or in providing services to or advocacy of juvenile offenders shall be eligible for appointment as a delegate.

[(c) PARTICIPANT EXPENSES.—Each participant in the Conference shall be responsible for his or her expenses related to attending the Conference and shall not be reimbursed from funds appropriated pursuant to this Act.

[(d) NO FEES.—No fee may be imposed on a person who attends a Conference except a registration fee of not to exceed $10.

[STAFF AND EXECUTIVE BRANCH

[SEC. 291B. (a) IN GENERAL.—The President may appoint and compensate an executive director of the National White House Conference on Juvenile Justice and such other directors and personnel for the Conference as the President may deem to be advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates. The staff of the Conference may not exceed 20, including the executive director.

[(b) DETAILEES.—Upon request by the executive director, the heads of the executive and military departments may detail employees to work with the executive director in planning and administering the Conference without regard to section 3341 of title 5, United States Code.

[PLANNING AND ADMINISTRATION OF CONFERENCE

[SEC. 291C. (a) FEDERAL AGENCY SUPPORT.—All Federal departments, agencies, and instrumentalities shall provide such support and assistance as may be necessary to facilitate the planning and administration of the Conference.

[(b) DUTIES OF THE EXECUTIVE DIRECTOR.—In carrying out this part, the executive director of the White House Conference on Juvenile Justice—

[(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels authorized by section 291(d);

[(2) may enter into contracts and agreements with public and private agencies and organizations and academic institutions to assist in carrying out this part; and

[(3) shall prepare and provide background materials for use by participants in the Conference and by participants in State and regional conferences.

[REPORTS

[SEC. 291D. (a) IN GENERAL.—Not later than 6 months after the date on which a National Conference is convened, a final report of the Conference shall be submitted to the President and the Congress.

[(b) CONTENTS.—A report described in subsection (a)—

[(1) shall include the findings and recommendations of the Conference and proposals for any legislative action necessary to implement the recommendations of the Conference; and

[(2) shall be made available to the public.

[OVERSIGHT

[SEC. 291E. The Administrator shall report to the Congress annually during the 3-year period following the submission of the final report of a Conference on the status and implementation of the findings and recommendations of the Conference.]

PART [I] *D*—GENERAL AND ADMINISTRATIVE PROVISIONS

89AUTHORIZATION OF APPROPRIATIONS

[SEC. 299. (a)(1) To carry out the purposes of this title (other than parts D, E, F, G, H, and I) there are authorized to be appropriated $150,000,000 for fiscal years 1993, 1994, 1995, and 1996. Funds appropriated for any fiscal year shall remain available for obligation until expended.

[(2)(A) Subject to subparagraph (B), to carry out part D, there are authorized to be appropriated—

[(i) to carry out subpart 1, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996; and

[(ii) to carry out subpart 2, $25,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B) No funds may be appropriated to carry out part D, E, F, G, or I of this title or title V or VI for a fiscal year unless the aggregate amount appropriated to carry out this title (other than part

D, E, F, G, or I of this title or title V or VI) for the fiscal year is not less than the aggregate amount appropriated to carry out this title (other than part D, E, F, G, or I of this title or title V or VI) for the preceding fiscal year.

[(3) To carry out part E, there are authorized to be appropriated $50,000,000 for fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, and 1996.

[(4)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part F—

[(i) $15,000,000 for fiscal year 1993; and

[(ii) such sums as are necessary for fiscal years 1994, 1995, and 1996.

[(B) No amount is authorized to be appropriated for a fiscal year to carry out part F unless the aggregate amount appropriated to carry out this title for that fiscal year is not less than the aggregate amount appropriated to carry out this title for the preceding fiscal year.

[(C) From the amount appropriated to carry out part F in a fiscal year, the Administrator shall use—

[(i) not less than 85 percent to make grants for treatment and transitional services;

[(ii) not to exceed 10 percent for grants for research; and

[(iii) not to exceed 5 percent for salaries and expenses of the Office of Juvenile Justice and Delinquency Prevention related to administering part F.

[(5)(A) Subject to subparagraph (B), there are authorized to be appropriated to carry out part G such sums as are necessary for fiscal years 1993, 1994, 1995, and 1996.

[(6)(A) There are authorized to be appropriated to carry out part H such sums as are necessary for fiscal year 1993, to remain available until expended, of which—

[(i) not more than $12,500,000 shall be used to convert any 1 closed military base or to modify any 1 existing military base or other designated facility to a boot camp; and

[(ii) not more than $2,500,000 shall be used to operate any 1 boot camp during a fiscal year.

[(B) No amount is authorized to be appropriated for a fiscal year to carry out part H unless the aggregate amount appropriated to carry out parts A, B, and C of this title for that fiscal year is not less than 120 percent of the aggregate amount appropriated to carry out those parts for fiscal year 1992.

[(7)(A) There are authorized to be appropriated such sums as are necessary for each National Conference and associated State and regional conferences under part I, to remain available until expended.

[(B) New spending authority or authority to enter into contracts under part I shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

[(C) No funds appropriated to carry out this Act shall be made available to carry out part I other than funds appropriated specifically for the purpose of conducting the Conference.

[(D) Any funds remaining unexpended at the termination of the Conference under part I, including submission of the report pursu-

ant to section 291D, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

[(b) Of such sums as are appropriated to carry out the purposes of this title (other than part D)—

[(1) not to exceed 5 percent shall be available to carry out part A;

[(2) not less than 70 percent shall be available to carry out part B; and

[(3) 25 percent shall be available to carry out part C.

[(c) Notwithstanding any other provision of law, the Administrator shall—

[(1) establish appropriate administrative and supervisory board membership requirements for a State agency responsible for supervising the preparation and administration of the State plan submitted under section 223 and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor; and

[(2) approve any appropriate State agency designated by the Governor of the State involved in accordance with paragraph (1).]

*(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $160,000,000 for each of fiscal years 1997, 1998, 1999, and 20000, of which—*

*(1) $70,000,000 shall be expended for State formula grants;*

*(2) $70,000,000 shall be made available to the National Institute for Juvenile Justice and Delinquency Prevention for research, demonstration, and evaluation of which not less than $28,000,000 shall be made available for evaluation research of primary, secondary, and tertiary juvenile delinquency prevention programs;*

*(3) $16,000,000 shall be expended for child protection, of which $7,000,000 shall be made available to carry out title IV: and*

*(4) not more than $4,000,000 shall be expended for administrative costs.*

*(b) AVAILABILITY.—Amounts made available under this section shall remain available until expended.*

[(d)] *(c)* No funds appropriated to carry out the purposes of this title may be used for any bio-medical or behavior control experimentation on individuals or any research involving such experimentation. For the purpose of this subsection, the term "behavior control" refers to experimentation or research employing methods which involve a substantial risk of physical or psychological harm to the individual subject and which are intended to modify or alter criminal and other anti-social behavior, including aversive conditioning therapy, drug therapy or chemotherapy (except as part of routine clinical care), physical therapy of mental disorders, electroconvulsive therapy, or physical punishment. The term does not apply to a limited class of programs generally recognized as involving no such risk, including methadone maintenance and certain alcohol treatment programs, psychological counseling, parent training, behavior contracting, survival skills training, restitution, or

community service, if safeguards are established for the informed consent of subjects (including parents or guardians of minors).

[(e) Of such sums as are appropriated to carry out section 261(a)(6), not less than 20 percent shall be reserved by the Administrator for each of fiscal years 1993, 1994, 1995, and 1996, for not less than 2 programs that have not received funds under subpart II of part C prior to October 1, 1992, which shall be selected through the application and approval process set forth in section 262.]

ADMINISTRATIVE AUTHORITY

SEC. 299A. (a) The Office shall be administered by the Administrator under the general authority of the Attorney General.

* * * * * * *

(c) Sections 801(a), 801(c), and 806 of the Omnibus Crime Control and Safe Streets Act of 1968, as so designated by the operation of the amendments made by the Justice Assistance Act of 1984, shall apply with respect to the administration of and compliance with this Act, except that for purposes of this Act—

(1) * * *

* * * * * * *

(2) any reference to the Office of Justice Programs, the Bureau of Justice Assistance, the National Institute of Justice, or the Bureau of Justice Statistics shall be deemed to be a reference to the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*; and

(3) the term "this title" as it appears in such sections shall be deemed to be a reference to this Act.

(d) [The Administrator] *Except with respect to paragraphs (3), (5), (6), and (9) of section 223(a), the Administrator* is authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary for the exercise of the functions of the Office and as are consistent with the purpose of this Act.

* * * * * * *

SEC. 385. [(a)(1) To carry out the purposes of part A of this title there are authorized to be appropriated such sums as may be necessary for fiscal years 1989, 1990, 1991, and 1992.

[(2) Not less than 90 percent of the funds appropriated under paragraph (1) for a fiscal year shall be available to carry out section 311(a) in such fiscal year.

[(b)(1) Subject to paragraph (2), to carry out the purposes of part B of this title, there are authorized to be appropriated $5,000,000 for fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, and 1992.

[(2) No funds may be appropriated to carry out part B of this title for a fiscal year unless the aggregate amount appropriated for such fiscal year to carry out part A of this title exceeds $26,900,000.] *(a) There are authorized to be appropriated to carry out this title—*

*(1) $69,000,000 for fiscal year 1997; and*

*(2) such sums as may be necessary for each of fiscal years 1998, 1999, and 2000.*

[(c)] *(b)* The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of cordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

[(d)] *(c)* No funds appropriated to carry out the purposes of this title—

* * * * * * *

## TITLE IV—MISSING CHILDREN

### SHORT TITLE

SEC. 401. This title may be cited as the "Missing Children's Assistance Act".

* * * * * * *

### DEFINITIONS

SEC. 403. For the purpose of this title—

(1) the term "missing child" means any individual less than 18 years of age whose whereabouts are unknown to such individual's legal custodian if—

* * * * * * *

(2) the term "Administrator" means the Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction*.

* * * * * * *

### [SPECIAL STUDY AND REPORT

[SEC. 409. (a) Not later than 1 year after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Administrator shall begin to conduct a study to determine the obstacles that prevent or impede individuals who have legal custody of children from recovering such children from parents who have removed such children from such individuals in violation of law.

[(b) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Secretary shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results, of the study conducted under subsection (a).]

# [TITLE V—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

**[SEC. 501. SHORT TITLE.**

[This title may be cited as the "Incentive Grants for Local Delinquency Prevention Programs Act".

**[SEC. 502. FINDINGS.**

[The Congress finds that—

[(1) approximately 700,000 youth enter the juvenile justice system every year;

[(2) Federal, State, and local governments spend close to $2,000,000,000 a year confining many of those youth;

[(3) it is more effective in both human and fiscal terms to prevent delinquency than to attempt to control or change it after the fact;

[(4) half or more of all States are unable to spend any juvenile justice formula grant funds on delinquency prevention because of other priorities;

[(5) few Federal resources are dedicated to delinquency prevention; and

[(6) Federal incentives are needed to assist States and local communities in mobilizing delinquency prevention policies and programs.

**[SEC. 503. DEFINITION.**

[In this title, the term "State advisory group" means the advisory group appointed by the chief executive officer of a State under a plan described in section 223(a).

**[SEC. 504. DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.**

[The Administrator shall—

[(1) issue such rules as are necessary or appropriate to carry out this title;

[(2) make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention (including the preparation of an annual comprehensive plan for facilitating such coordination and policy development);

[(3) provide adequate staff and resources necessary to properly carry out this title; and

[(4) not later than 180 days after the end of each fiscal year, submit a report to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on the Judiciary of the Senate—

[(A) describing activities and accomplishments of grant activities funded under this title;

[(B) describing procedures followed to disseminate grant activity products and research findings;

[(C) describing activities conducted to develop policy and to coordinate Federal agency and interagency efforts related to delinquency prevention; and

[(D) identifying successful approaches and making recommendations for future activities to be conducted under this title.

[SEC. 505. GRANTS FOR PREVENTION PROGRAMS.

[(a) PURPOSES.—The Administrator may make grants to a State, to be transmitted through the State advisory group to units of general local government that meet the requirements of subsection (b), for delinquency prevention programs and activities for youth who have had contact with the juvenile justice system or who are likely to have contact with the juvenile justice system, including the provision to children, youth, and families of—

[(1) recreation services;

[(2) tutoring and remedial education;

[(3) assistance in the development of work awareness skills;

[(4) child and adolescent health and mental health services;

[(5) alcohol and substance abuse prevention services;

[(6) leadership development activities; and

[(7) the teaching that people are and should be held accountable for their actions.

[(b) ELIGIBILITY.—The requirements of this subsection are met with respect to a unit of general local government if—

[(1) the unit is in compliance with the requirements of part B of title II;

[(2) the unit has submitted to the State advisory group a 3-year plan outlining the unit's local front end plans for investment for delinquency prevention and early intervention activities;

[(3) the unit has included in its application to the Administrator for formula grant funds a summary of the 3-year plan described in paragraph (2);

[(4) pursuant to its 3-year plan, the unit has appointed a local policy board of no fewer than 15 and no more than 21 members with balanced representation of public agencies and private, nonprofit organizations serving children, youth, and families and business and industry;

[(5) the unit has, in order to aid in the prevention of delinquency, included in its application a plan for the coordination of services to at-risk youth and their families, including such programs as nutrition, energy assistance, and housing;

[(6) the local policy board is empowered to make all recommendations for distribution of funds and evaluation of activities funded under this title; and

[(7) the unit or State has agreed to provide a 50 percent match of the amount of the grant, including the value of in-kind contributions, to fund the activity.

[(c) PRIORITY.—In considering grant applications under this section, the Administrator shall give priority to applicants that demonstrate ability in—

[(1) plans for service and agency coordination and collaboration including the colocation of services;

[(2) innovative ways to involve the private nonprofit and business sector in delinquency prevention activities; and

[(3) developing or enhancing a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

[SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

[To carry out this title, there are authorized to be appropriated $30,000,000 for fiscal year 1993 and such sums as are necessary for fiscal years 1994, 1995, and 1996.]

APPENDIX

ANTI-DRUG ABUSE ACT OF 1988

(Public Law 100–690; 102 Stat. 4181 et seq.)

* * * * * * *

# TITLE III—DRUG ABUSE EDUCATION AND PREVENTION

* * * * * * *

## [Subtitle B—Drug Abuse Education and Prevention

### [CHAPTER 1—DRUG EDUCATION AND PREVENTION RELATING TO YOUTH GANGS

#### [SEC. 3501. ESTABLISHMENT OF DRUG ABUSE EDUCATION AND PREVENTION PROGRAM RELATING TO YOUTH GANGS.

[The Secretary of Health and Human Services, through the Administration on Children, Youth, and Families, shall make grants to, and enter into contracts with, public and nonprofit private agencies (including agencies described in paragraph (7)(A) acting jointly), organizations (including community based organizations with demonstrated experience in this field), institutions, and individuals, to carry out projects and activities—

[(1) to prevent and to reduce the participation of youth in the activities of gangs that engage in illicit drug-related activities,

[(2) to promote the involvement of youth in lawful activities in communities in which such gangs commit drug-related crimes,

[(3) to prevent the abuse of drugs by youth, to educate youth about such abuse, and to refer for treatment and rehabilitation members of such gangs who abuse drugs,

[(4) to support activities of local police departments and other local law enforcement agencies to conduct educational outreach activities in communities in which gangs commit drug-related crimes,

[(5) to inform gang members and their families of the availability of treatment and rehabilitation services for drug abuse,

[(6) to facilitate Federal and State cooperation with local school officials to assist youth who are likely to participate in gangs that commit drug-related crimes,

[(7) to facilitate coordination and cooperation among—

[(A) local education, juvenile justice, employment and social service agencies, and

[(B) drug abuse referral, treatment, and rehabilitation programs,

for the purpose of preventing or reducing the participation of youth in activities of gangs that commit drug-related crimes, and

[(8) to provide technical assistance to eligible organizations in planning and implementing drug abuse education, prevention, rehabilitation, and referral programs for youth who are members of gangs that commit drug-related crimes.

[SEC. 3502. APPLICATION FOR GRANTS AND CONTRACTS.

[(a) SUBMISSION OF APPLICATIONS.—Any agency, organization, institution, or individual desiring to receive a grant, or to enter into a contract, under section 3501 shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require by rule.

[(b) CONTENTS OF APPLICATION.—Each application for assistance under this chapter shall—

[(1) set forth a project or activity for carrying out one or more of the purposes specified in section 3501 and specifically identify each such purpose such project or activity is designed to carry out,

[(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

[(3) provide for the proper and efficient administration of such project or activity,

[(4) provide for regular evaluation of the operation of such project or activity,

[(5) provide that regular reports on such project or activity shall be submitted to the Secretary, and

[(6) provide such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this chapter.

[SEC. 3503. APPROVAL OF APPLICATIONS.

[In selecting among applications submitted under section 3502(a), the Secretary shall give priority to applicants who propose to carry out projects and activities—

[(1) for the purposes specified in section 3501 in geographical areas in which frequent and severe drug-related crimes are committed by gangs whose membership is composed primarily of youth, and

[(2) that the applicant demonstrates have the broad support of community based organizations in such geographical areas.

[SEC. 3504. COORDINATION WITH JUVENILE JUSTICE PROGRAMS.

[The Secretary shall coordinate the program established by section 3501 with the programs and activities carried out under the Juvenile Justice and Delinquency Prevention Act of 1974 and with the programs and activities of the Attorney General, to ensure that

all such programs and activities are complementary and not duplicative.

[SEC. 3505. AUTHORIZATION OF APPROPRIATIONS.

[To carry out this chapter, there are authorized to be appropriated $16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994.

[SEC. 3506. ANNUAL REPORT.

[Not later than 180 days after the end of each fiscal year, the Secretary shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report describing—

[(1) the types of projects and activities for which grants and contracts were made under this chapter for such fiscal year,

[(2) the number and characteristics of the youth and families served by such projects and activities, and

[(3) each of such projects and activities the Secretary considers to be exemplary.

## [CHAPTER 2—PROGRAM FOR RUNAWAY AND HOMELESS YOUTH

[SEC. 3511. ESTABLISHMENT OF PROGRAM.

[(a) The Secretary shall make grants to public and private nonprofit agencies, organizations, and institutions to carry out research, demonstration, and services projects designed—

[(1) to provide individual, family, and group counseling to runaway youth and their families and to homeless youth for the purpose of preventing or reducing the illicit use of drugs by such youth,

[(2) to develop and support peer counseling programs for runaway and homeless youth related to the illicit use of drugs,

[(3) to develop and support community education activities related to illicit use of drugs by runaway and homeless youth, including outreach to youth individually,

[(4) to provide to runaway and homeless youth in rural areas assistance (including the development of community support groups) related to the illicit use of drugs,

[(5) to provide to individuals involved in providing services to runaway and homeless youth, information and training regarding issues related to the illicit use of drugs by runaway and homeless youth,

[(6) to support research on the illicit drug use by runaway and homeless youth, and the effects on such youth of drug abuse by family members, and any correlation between such use and attempts at suicide, and

[(7) to improve the availability and coordination of local services related to drug abuse, for runaway and homeless youth.

[(b) PRIORITY.—In selecting among applicants for grants under subsection (a), the Secretary shall give priority to agencies and organizations that have experience in providing services to runaway and homeless youth.

[(c) LIMITATION.—Grants under this section may be made for a period not to exceed 3 years.

[SEC. 3512. ANNUAL REPORT.

[Not later than 180 days after the end of a fiscal year for which funds are appropriated to carry out this chapter, the Secretary shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report that contains—

[(1) a description of the types of projects and activities for which grants were made under this chapter for such fiscal year,

[(2) a description of the number and characteristics of the youth and families served by such projects and activities, and

[(3) a description of exemplary projects and activities for which grants were made under this chapter for such fiscal year.

[SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.

[To carry out this chapter, there are authorized to be appropriated $16,000,000 for fiscal year 1992 and such sums as may be necessary for fiscal years 1993 and 1994.

[SEC. 3514. APPLICATIONS.

[(a) SUBMISSION OF APPLICATION.—Any State, unit of local government (or combination of units of local government), agency, organization, institution, or individual desiring to receive a grant, or enter into a contract, under this chapter shall submit an application at such time, in such manner, and containing or accompanied by such information as may be prescribed by the Federal officer who is authorized to make such grant or enter into such contract (hereinafter in this chapter referred to as the "appropriate Federal officer").

[(b) CONTENTS OF APPLICATION.—In accordance with guidelines established by the appropriate Federal officer, each application for assistance under this chapter shall—

[(1) set forth a project or activity for carrying out one or more of the purposes for which such grant or contract is authorized to be made and expressly identify each such purpose such project or activity is designed to carry out,

[(2) provide that such project or activity shall be administered by or under the supervision of the applicant,

[(3) provide for the proper and efficient administration of such project or activity,

[(4) provide for regular evaluation of such project or activity,

[(5) provide that regular reports on such project or activity shall be sent to the appropriate Federal officer, and

[(6) provide for such fiscal control and fund accounting procedures as may be necessary to ensure prudent use, proper disbursement, and accurate accounting of funds received under this chapter.

[SEC. 3515. REVIEW OF APPLICATIONS.

[(a) CONSIDERATION OF FACTORS.—In reviewing applications submitted under this chapter, the appropriate Federal officer shall consider—

[(1) the relative cost and effectiveness of the proposed project or activity in carrying out purposes for which the requested grant or contract is authorized to be made,

[(2) the extent to which such project or activity will incorporate new or innovative techniques,

[(3) the increase in capacity of the State or the public or nonprofit private agency, organization, institution, or individual involved to provide services to address the illicit use of drugs by runaway and homeless youth,

[(4) the extent to which such project or activity serves communities which have high rates of illicit drug use by juveniles (including runaway and homeless youth),

[(5) the extent to which such project or activity will provide services in geographical areas where similar services are unavailable or in short supply, and

[(6) the extent to which such project or activity will increase the level of services, or coordinate other services, in the community available to eligible youth.

[(b) COMPETITIVE PROCESS.—(1) Applications submitted under this chapter shall be selected for approval through a competitive process to be established by rule by the appropriate Federal officer. As part of such a process, such officer shall publish a notice in the Federal Register—

[(A) announcing the availability of funds to carry out this part,

[(B) stating the general criteria applicable to the selection of applicants to receive such funds, and

[(C) describing the procedures applicable to submitting and reviewing applications for such funds.

[(2) As part of such process, each application referred to in subsection (a) shall be subject to peer review by individuals (excluding officers and employees of the Department of Justice and the Department of Health and Human Services) who have expertise in the subject matter related to the project or activity proposed in such application.

[(c) EXPEDITED REVIEW.—The appropriate Federal officer shall expedite the consideration of an application referred to in subsection (a) if the applicant demonstrates, to the satisfaction of the such officer, that the failure to expedite such consideration would prevent the effective implementation of the project or activity set forth in such application.

[* * * * * * *]

## [Subtitle C—Miscellaneous

**[SEC. 3601. DEFINITIONS.**

[Unless otherwise defined by an Act amended by this title, for purposes of this title and the amendments made by this title—

[(1) the term "community based" has the meaning given it in section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)),

[(2) the term "controlled substance" has the meaning given it in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)),

[(3) the term "controlled substance analogue" has the meaning given it in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)),

[(4) the term "drug" means—

[(A) a beverage containing alcohol,

[(B) a controlled substance, or

[(C) a controlled substance analogue,

[(5) the term "Director" means the Chief Executive Officer of the Corporation for National and Community Service,

[(6) the term "illicit" means unlawful or injurious,

[(7) the term "institution of higher education" has the meaning given it in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)),

[(8) the term "public agency" has the meaning given it in section 103(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(11)),

[(9) the term "Secretary" means—

[(A) the Secretary of Education for purposes of subtitle A (other than section 3201),

[(B) the Secretary of Agriculture for purposes of the amendments made by section 3201, and

[(C) the Secretary of Health and Human Services for purposes of subtitle B,

[(10) the term "State" has the meaning given it in section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)),

[(11) the term "treatment" has the meaning given it in section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(15)), and

[(12) the term "unit of general local government" has the meaning given it in section 103(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(8)).

[* * * * * * *]

# TITLE VII—DEATH PENALTY AND OTHER CRIMINAL AND LAW ENFORCEMENT MATTERS

* * * * * * *

## Subtitle F—Juvenile Justice and Delinquency Prevention

* * * * * * *

### CHAPTER 4—MISCELLANEOUS

[SEC. 7295. INVESTIGATION AND REPORT BY THE COMPTROLLER GENERAL.

[(a) INVESTIGATION.—Not later than 180 days after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Comptroller General of the United States shall begin to conduct an investigation of the extent to which—

[(1) valid court orders, and

[(2) court orders other than valid court orders,
are used in the 5-year period ending on December 31, 1988, to place juveniles in secure detention facilities, in secure correctional facilities, and in jails and lockups for adults.

[(b) REPORT.—(1) Not later than 3 years after the date of the enactment of the Juvenile Justice and Delinquency Prevention Amendments of 1988, the Comptroller General shall submit a report to the chairman of the Committee on Education and Labor of the House of Representatives and the chairman of the Committee on the Judiciary of the Senate containing a description, and a summary of the results of the investigation conducted under subsection (a).

[(2) In such report, the Comptroller shall specify separately with respect to secure detention facilities, secure correctional facilities, and jails and lockups for adults—

[(A) the frequency with which juveniles were confined,

[(B) the length of confinement of juveniles, and

[(C) the types of conduct of juveniles for which confinement was imposed,

as a result of the enforcement of court orders of the 2 types described in paragraphs (1) and (2) of subsection (a).

[(c) DEFINITIONS.—For purposes of this section—

[(1) the term "juvenile" means an individual who is less than 18 years of age,

[(2) the term "secure correctional facility" has the meaning given it in section 103(13) of the Juvenile Justice and Delinquency Prevention Act of 1974 (41 U.S.C. 5603(13)),

[(3) the term "secure detention facility" has the meaning given it in section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)), and

[(4) the term "valid court order" has the meaning given it in section 103(16) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(16)).]

## THE CRIME CONTROL ACT OF 1990

(Public Law 101–647, Approved November 29, 1990)

* * * * * * *

# TITLE II—VICTIMS OF CHILD ABUSE ACT OF 1990

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Victims of Child Abuse Act of 1990".

## Subtitle A—Improving Investigation and Prosecution of Child Abuse Cases

**SEC. 211. FINDINGS.**

* * * * * * *

SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214—

(1) $15,000,000 for fiscal year [1993] *1997*; and

(2) such sums as are necessary for fiscal years [1994, 1995, and 1996] *1998, 1999, and 2000*.

(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A—

(1) $5,000,000 for fiscal year [1993] *1997*; and

(2) such sums as are necessary for fiscal years [1994, 1995, and 1996] *1998, 1999, and 2000*.

## Subtitle B—Court-Appointed Special Advocate Program

SEC. 215. FINDINGS.

* * * * * * *

SEC. 217. STRENGTHENING OF THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

(a) IN GENERAL.—The Administrator of the [Office of Juvenile Justice and Delinquency Prevention] *Office of Youth Violence Reduction* shall make grants to expand the court-appointed special advocate program.

* * * * * * *

## Subtitle C—Child Abuse Training Programs for Judicial Personnel and Practitioners

SEC. 221. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

* * * * * * *

SEC. 223. SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.

(a) GRANTS TO DEVELOP MODEL PROGRAMS.—[(1)] The Administrator shall make grants [to national organizations] to develop 1 or more model technical assistance and training programs to improve the judicial system's handling of child abuse and neglect cases.

[(2) An organization to which a grant is made pursuant to paragraph (1) shall be one that has broad membership among juvenile and family court judges and has demonstrated experience in providing training and technical assistance for judges, attorneys, child welfare personnel, and lay child advocates.

[(b) GRANTS TO JUVENILE AND FAMILY COURTS.—(1) In order to improve the judicial system's handling of child abuse and neglect cases, the Administrator shall make grants to State courts or judicial administrators for programs that provide or contract for, the implementation of—

[(A) training and technical assistance to judicial personnel and attorneys in juvenile and family courts; and

[(B) administrative reform in juvenile and family courts.

[(2) The criteria established for the making of grants pursuant to paragraph (1) shall give priority to programs that improve—

[(A) procedures for determining whether child service agencies have made reasonable efforts to prevent placement of children in foster care;

[(B) procedures for determining whether child service agencies have, after placement of children in foster care, made reasonable efforts to reunite the family; and

[(C) procedures for coordinating information and services among health professionals, social workers, law enforcement professionals, prosecutors, defense attorneys, and juvenile and family court personnel, consistent with subtitle A.

[(c) GRANT CRITERIA.—The Administrator shall make grants under subsections (a) and (b) consistent with section 262, 293, and 296 of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5665 et seq.).]

*(b) GRANT CRITERIA.—The Administrator shall make grants under subsection (a) consistent with sections 244, 299B, and 299E of title II of the Juvenile Justice and Delinquency Prevention Act of 1974.*

○